

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.872 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 18574 of 2013
Along with
Interlocutory Application No.3681 of 2015

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1. The State of Bihar through the Principal Secretary, Animal Husbandry Department, Bihar, Vikash Bhawan, Bailey Road, Patna.
 2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
 3. The Director-cum-Joint Commissioner, Directorate, General Provident Fund Officer, Pant Bhawan, Bailey Road, District-Patna.
 4. The District Provident Fund Officer, District-Patna.
 5. The Assistant Director, Cattle (D. V.) Large Cattle Development (Project) Field Level, Bikram, Patna.
 6. The District Animal Husbandry Officer, Jehanabad.

.... Respondents- Appellant/s

Versus

1. Ram Pati Das, son of late Sukhlal Das, resident of village and P.O.- Sonabhandra, P.S. -Karpi, District-Arwal.

.... Writ Petitioner/ Respondent 1st Set.

2. The Accountant General, Birchand Patel Path, Patna-800001.

.... Respondent/Respondent 2nd Set.

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Appearance :

For the Appellant/s : Mr. Kumal Tiwary, A.C. to G.A.-2

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 12-08-2016

Re.: Interlocutory Application No.3681 of 2015

The application is for condonation of delay of 48 days in filing of the present Letters Patent Appeal.

2. For the reasons mentioned in the application, we find that sufficient cause is made out for condonation of delay. Consequently, we

condone the delay in filing of the present Letters Patent Appeal.

3. Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.872 of 2015

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 10th of July, 2014 whereby, the denial of payment of interest of the gap period vide Annexure-7 was quashed and the state was directed to reconsider the claim of the writ applicant in the light of the judgment in the case of The State of Bihar & Ors. Versus Ram Pavitra Singh {2010 (3) PLJR 906}.

2. Learned counsel for the appellants contends that after the aforesaid order of the learned Single Judge of this Court, a Full Bench of this Court in the case of Ram Gulam Versus The State of Bihar & Ors. (CWJC No.1484 of 2006), decided on 7th August, 2014, has examined the provisions of Bihar General Provident Fund Rules, 1948 and held that after retirement, an employee has to seek withdrawal thereof within six months. If he does not seek withdrawal within six months, then the interest will cease after the expiry of the six months. The judgment in Ram Pavitra Singh's case (supra) was referred to and distinguished holding that in Ram Pavitra Singh's case (supra), the application for withdrawal was made within six months of the superannuation.

3. We have heard learned counsel for the appellants and find no reason to interfere with the order passed by the learned Single Bench. The direction issued by the learned Single Bench is to reconsider the payment of interest. Since the Full Bench of this Court in Ram Gulam's case (supra) has considered as to in which circumstances, the interest is to be paid, the State Government shall consider the payment of interest in the light of the Full Bench decision.

4. The Letters Patent Appeal stands disposed of accordingly.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	
CAV DATE	N. A.
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