IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1944 of 2015

Bhagwat Prasad Sinha, son of Sri Guljari Singh, resident of village & P.O. - Injore, P.S. - Mehandia, District - Arwal.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Higher Education, Govt. of Bihar, Secretariat, Bailey Road, Patna.
2. The Director, Secondary Education, Govt. of Bihar, Secretariat, Bailey Road, Patna.
3. The Collector, Jehanabad, District - Jehanabad.
4. The District Provident Fund Officer, Jehanabad, District - Jehanabad.
5. The District Programme Officer Establishment Jehanabad,
6. The District Programme Officer Establishment, Arwal.
7. The Head Master, High School Injore (Arwal).
8. The Head Master High School Sikariya (Paliganj), Patna.
9. The Treasury Officer, Arwal..

.... Respondents

Appearance :

For the Petitioner : Mr. Ghanshyam Sharma, Advocate.

For the Respondents : Mr. Ajay Bihari Sinha, S.C.-19

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 09-12-2016

Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner was appointed in the year 1958 as an Assistant Teacher. He retired on 31.1.1998 as a Headmaster, High School, Injore (Arwal). He received all his retirement benefits after his retirement.

3. The claim of the petitioner in the present writ petition is to direct the Respondents to make payment of interest over the G.P.F. amount from 1985-86 to 1988-89 @ 12.5%.

4. It has been contended by the learned counsel for the petitioner that the admissible rate of interest at the relevant time was 12.5%, but the G.P.F. amount paid to the petitioner carried the statutory interest @ 10.5% only.

5. The State has contested the matter.

6. Learned counsel for the State has submitted that the writ petition is not maintainable in law. The petitioner received all his retiral dues immediately after his retirement. The G.P.F. amount was also credited to his account in July 1999 and for almost 15 years, no grievance was raised by the petitioner, but for the first time, he has raised some grievance by filing a writ petition in 2015. He has further contended that the statutory rate of interest at the relevant time was 10.5% and not 12.5% as claimed by the petitioner. He also submits that as per the resolution of Finance Department, Government of Bihar, bearing No. 15396 dated 23.11.1006, the enhanced rate of interest @ 12.5% was admissible to the subscriber, who subscribed up to December, 1985 @ 12.5% of his emoluments. Those who did not subscribe @ 12.5%, were not to be treated in the scheme of enhanced rate of interest @ 12.5% and in case of the petitioner, the accounts up to 1985-86 was maintained by the District Education Officer and while transferring the balance, the rate of interest @ 12.5% was not shown by the accounts maintaining office.

He has further submitted that the statement of the petitioner that he visited the office of the Respondents and submitted representation within six months from the date of receipt of authorized amount is false and fabricated.

7. I have heard learned counsel for the parties and perused the record. Admittedly, the amount of G.P.F. amount was credited to the account of the petitioner as back as in July, 1999. The petitioner has raised no objection in respect of the admissible interest over the G.P.F. amount for over 15 years.

8. In that view of the matter, I am not inclined to entertain the present writ petition in extra ordinary writ jurisdiction on the principle of delay and laches.

9. Accordingly, the application stands dismissed.

(Ashwani Kumar Singh, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N/A
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