IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6058 of 2014

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Brij Mohan Sahay Son Of Late Yadunandan Singh At Present Residing At Plot No.12, Riverside Madru, P.O. Doranda, P.S. Kadru, Town And District - Ranchi - 894008

.... Petitioner/s

Versus

1. The State Of Bihar through the Secretary Minor Irrigation Department, Government of Bihar, Patna
2. The Collector, Jehanabad, District - Jehanabad
3. The Director, General Provident Fund Pant Bhawan, Bailey Road, Patna
4. The District, Provident Fund Officer, Jehanabad
5. The Executive Engineer, Tube well Division, Jehanabad
6. The Treasury Officer, Jehanabad

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Ghanshyam Sharma
For the State : Mr. M.K. Singh SC-6
Mr. Sanjay Mandal, AC to SC-6

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 30-01-2016 Heard counsel for the petitioner and A.C. to SC 6 for the State.

Counter affidavits on behalf of respondents 4, 5 & 6 have separately been filed. Although the counter affidavit of respondent no.4 is not on record but filing thereof after service has not been disputed by the petitioner.

The petitioner served the government as Accountant in the office of respondent no.5 and superannuated with effect from 30th September, 2001. The grievance is that he filed an application for withdrawal of GPF amount on 22.06.2002 which was forwarded to the concerned respondent by the Executive Engineer on 26.06.2002 vide annexure-4 to the rejoinder, but the respondent while authorizing payment thereof has not paid the interest on the GPF amount.

Conversely, the case of the respondent-State is that although the petitioner superannuated from the service in September, 2001 but an application for withdrawal of the GPF amount complete in all respects was filed by the petitioner on 22nd November, 2003 copy whereof has been enclosed along with the counter affidavit of respondent no.4. The respondent has paid the interest amount payable to the petitioner for a period of six months from the date of superannuation and thereafter the interest payable to the employee from 22nd November, 2003 only was sanctioned and the GPF amount was paid on 09.12.2004 as per the circular/resolution dated 6.05.1988 issued in the department of Finance, Govt. of Bihar.

On going through the pleadings on record and after hearing both sides it does not appear to the Court that the respondents have treated his application on 22nd November 2003 as the application for final withdrawal complete in all respects and authorized interest as per the said resolution. The petitioner, on the basis of the pleadings of record, has however submitted that he had filed an application for withdrawal of GPF amount on 22.06.2002 and as such he is entitled to interest on the GPF amount from 22.06.2002 and not from 22.11.2003.

Considering the aforesaid, in my view, the writ application merits to be disposed of permitting the petitioner to raise a grievance in this regard before the respondent nos. 4 and 5 within a period of 04 weeks from today. If any such representation is filed, both the aforesaid respondents, in tandem, will examine the said grievance of the petitioner and take appropriate decisions or pass appropriate order in accordance with law as quickly as possible preferably within 02 months from the date of such filing of the representation.

(Kishore Kumar Mandal, J)

HR/-

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