IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7107 of 2015

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Most Kusum Sinha, wife of late Akhileshwar Sinha, resident of village Sarauti, P.O. & P.S. Rampur Chauram, District- Arwal.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Vikash Bhawan, Bailey Road, Patna.
2. The Director, Secondary Education, Education Department, Vikash Bhawan Secretariat, Bailey Road, Patna.
3. The Director, Directorate General, Provident Fund, Pant Bhawan, Bailey Road, Patna.
4. The Collector, Arwal, District- Arwal.
5. The District Provident Fund Officer, Jehanabad.
6. The District Programme Officer (Establishment), District- Arwal.
7. The Head Master-cum-the Drawing & Disbursing Officer, G.A. High School, Arwal, District- Arwal.
8. The Treasury Officer, Arwal.
9. The Project in-charge, T.C.S. Finance Department, Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Sharma, Advocate

For the Respondent/s : Mr. S.K.JHA, GP-3

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 19-01-2017

The present writ petition has been filed with a prayer for payment of provident fund amount with 12.5 per cent interest for the period starting from 1985-86 to 1998-99.

2. The petitioner's husband was an Assistant Teacher of a Government High School. He died on 13.06.1996 while working as Assistant Teacher in G. A. High School, Arwal. The claim of the petitioner is that respondent regularly deducted the contribution of

GPF amount from the salary of the petitioner's husband from the date of his appointment till the date of his death. The District Provident Fund Officer, Jehanabad has issued authority slip for part payment of GPF amounting to Rs.1,83,011/- and Rs.28,642/- on 15.01.1998 and 19.11.2001 respectively, but without admissible rate of 12.5 per cent interest.

3. The State has contested the matter. A counter-affidavit has been filed on behalf of the respondent, District Provident Fund Officer, Jehanabad, wherein he clearly stated that the interest at the rate of 12.5 per cent had already been taken into account and difference amount of Rs.28,642/- has also been paid to the petitioner vide authority letter no. 1016 dated 09.11.2001. He further stated that initially, the entire GPF amount was authorized taking into account the normal rate of interest of 10.5 per cent from 1986-87 to 1997-98 by the Disbursing Officer of the School. Afterwards on representation of the petitioner it was found that the admissible rate of interest was 12.5 percent, hence, a difference amount of Rs.28,642/- was paid to the petitioner in the year 2001 itself.

4. Learned counsel for the State would submit that even otherwise, the writ petition is fit to be dismissed as it has been filed after 19 years of the death of the employee concerned.

5. In reply, the contention of the learned counsel for the petitioner is that there has been some error in calculation while making payment to the petitioner in the year 1998 and 2001.

6. I have heard learned counsel for either of the parties.

7. I find no substance in the claim of the petitioner. The admitted case is that payments were made to the petitioner as back as in the year 1998-2001.The writ petition has been filed after 14 years of the last payment having been made to the petitioner. In my view, such a belated disputed claim and that too only for interest over the amount paid is too bad and out of time. The door of the Court is now locked even on equity as the doctrine of laches is based on the maxim *“equity aids the vigilant and not those who slumber on their rights”*.

8. Accordingly, the writ petition is dismissed.

(Ashwani Kumar Singh, J.)

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