IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1328 of 2013
IN
Civil Writ Jurisdiction Case No. 4668 of 2006

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1. The State Of Bihar
2. The Chief Secretary, Government of Bihar, Patna
3. Secretary, Rural Development, Bihar, Patna
4. The Collector, Munger
5. The Collector, Lakhisarai
6. Block Development Officer, Lakhisarai, District - Lakhisarai
7. The District Provident Fund Officer, Munger

.... Appellants

Versus

1. Sri Narayan Singh Son Of Late Shiva Ram Singh Resident Of Village - Mustafapur, P.O. - Dighri, District - Lakhisarai
2. Accountant General, Bihar, Patna, Birchand Patel Path, Patna

.... Respondents

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Appearance :
For the Appellants : Mr. KAMLESH KUMAR SHARMA
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)
Date: 15-02-2017

Delay of 85 days is condoned. I.A. No. 7594 of 2013 is allowed. Matter is taken up on the merits.

The appeal is directed against the order dated 14.05.2013 passed by the learned single Judge, who allowed the writ application with a direction upon the respondents, especially, the District Provident Fund Officer, Munger, for payment of statutory interest from the date when the refund was due upon the superannuation till the date it is paid.

The issue was non settlement of G.P.F. and payment of interest thereon due to delayed settlement.

A plea was taken by the State in the counter affidavit that for the gap period there is no obligation of the State to pay interest. This gap period has been explained as the date when the application is required to be made for refund and till it is actually done.

The learned single Judge has taken note of Annexure-C, which was annexed with the counter affidavit of the State, and on reading of the said Circular, he came to a considered opinion that an obligation is created upon the head of the office to ensure that for non-gazetted persons application for refund of G.P.F. is made at the earliest and if it is not done within six months then a notice has to go and he has to be threatened to file such application. None of these procedures was followed and, therefore, an order for payment of interest was made.

The Government Circulars are required to be followed by one and all. It cannot be the case of the appellant State of Bihar that they themselves will not follow the Circular, which they have notified with regard to settlement of the G.P.F. after superannuation of an employee and even make payment of interest thereon.

The Court does not find any infirmity with the order of the learned single Judge which requires to be rectified. Therefore, appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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