

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3353 of 2016

=====

Smt. Sudama Devi, Wife of Kamal Kant Chobey, Resident of Mohalla-Surkhikal, P.S.-Tilka Manjhi, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Govt. of Bihar, Patna
2. The Director General of Police, Bihar, Patna.
3. The Deputy Inspector General of Police Eastern Range, Bhagalpur
4. The Superintendent of Police, Bhagalpur
5. The Provident Fund Officer, Bhagalpur

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Ms. Pravina Kumari, Adv.
For the State : Mr. Anisul Haque, AC to AAG-5
For the Acct. General : Mr. Binod Kumar Labh, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 10-08-2017 Heard Ms. Pravina Kumari, learned Counsel appearing on behalf of the petitioner, Mr. Anisul Haque, learned AC to AAG-5 and learned Counsel for the Accountant General.

The present writ application has been filed for a direction to the respondent authorities to make payment of the entire GPF and Group Insurance amount, along with statutory interest.

It is submitted by learned Counsel appearing on behalf of the petitioner that the petitioner was appointed as lady Constable on 06.08.1976 in Bihar Police in the District of Bhagalpur. The petitioner was dismissed from service on 28.03.2003.



A counter affidavit has been filed on behalf of Respondent Nos. 4 and 5 suggesting that the amount of GPF and Group Insurance has already been paid to the petitioner. A supplementary counter affidavit, dated 27.10.2016, filed by respondent no.5, clearly stipulates that after proper calculation the entire GPF amount with statutory interest up to six months from the date of the petitioner's dismissal has already been paid to the petitioner and nothing remains to be paid. The detailed chart has been brought on record as Annexure-D to the supplementary counter affidavit.

So far as the claim of the petitioner with regard to statutory interest on GPF amount is concerned, learned Counsel for the Respondent State has relied upon a Notification contained in Letter No.3373 dated 6th May, 1988, which clearly stipulates that the petitioner did not submit application for final withdrawal in time as stipulated i.e. six months, as the S.S.P. Bhagalpur, vide letter no.706, dated 21.10.2016 has informed that the petitioner was dismissed from service on 28.02.2003 and had submitted Final Payment Application in prescribed format on 29.03.2016 and the same was forwarded on 11.04.2016 by the S.S.P. Bhagalpur. Learned Counsel further relies upon a full Bench judgment of this Court rendered in the case of *Ram Gulam Vs. the*



State of Bihar and Ors reported in 2015(1) PLJR 568, which stipulates that the State Government is under no obligation to pay interest over the outstanding amount of the provident fund, However, if the State Government has received the application for withdrawal of the provident fund amount within the said six months, the State Government is obliged to pay interest over the amount of provident fund at statutory rate till the date the amount is paid. Paragraph 14 of the aforementioned judgment reads as follows :-

“In our opinion, the law is clear. The view expressed by this court in the matter of **Bidya Devi (supra)** is not sustainable. It is indeed the duty of the State Government to remit the amount of provident fund standing to the credit of a government servant on the date of his retirement or soon thereafter but not without a formal application. It is trite that whether any application is received or not, the State Government must remit the amount of provident fund to the government servant. Until the amount is remitted to the government servant, the State Government is under obligation to credit interest at the statutory rate. The said obligation extends to six months from the month in which the payment becomes due. After the expiry of the said period of six months, if the State Government has not received the application for withdrawal of the provident fund amount, the State Government is under no obligation to pay interest over the outstanding amount of the provident fund. However, if the State Government has received the application for withdrawal of the provident fund amount within the said six months, the State Government is obliged to pay interest over the amount of provident fund at statutory rate till the date the amount is paid.



In the present case, admittedly, the application was made on 05.11.2015, as contained in Annexure-2 and since the six months' interest has already been paid, the petitioner is not entitled for any further payment of statutory interest of the GPF. So far as Group Insurance is concerned, the same has been paid.

In the circumstances, the writ application has virtually become infructuous. Accordingly, the writ application is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

U			
---	--	--	--

