

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 2257 of 2016

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Braj Bilash Mishra Son of Late Raghubansh Mishra resident of Village- Ushas,
P.O.- Ushas Devra, P.S.- Konch, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner, Magadh Division, Gaya.
2. The Collector, Gaya.
3. The Director, General Provident Fund, Pant Bhawan, Patna.
4. The District Provident Fund Officer, Gaya.
5. The Block Development Officer, Tekari, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 21-12-2017

Heard learned counsel for the petitioner and the State.

2. The controversy today is limited as to whether the petitioner will be entitled to payment of interest on G.P.F. beyond six months. The stand of the State is that he had not applied within six months of his superannuation in which case he would have been entitled to interest till the date of payment, failing which the amount shall carry interest only for six months, which has been paid to the petitioner.

3. Learned counsel for the petitioner, though has denied the fact that the application for final withdrawal was made late, has not brought anything on record or even made any statement in the pleadings filed by him with regard to filing of application for final



withdrawal of G.P.F. within six months of his superannuation.

4. Learned counsel for the State submitted that such position has been clarified by the judgment of a Full Bench of this Court in the case of **Ram Gulam vs. State of Bihar** reported as **2015(1) PLJR 568**.

5. In view of the disputed position on facts, as to when the petitioner had made final application for payment of his G.P.F., the Court is not in a position to pass any positive order.

6. Accordingly, the writ petition stands disposed off with liberty to the petitioner to file an appropriate representation before the respondent no. 4, within four weeks from today, enclosing materials to indicate that he had applied within six months of his superannuation. Upon the same being done, the authorities shall be obliged to verify the same from the records and thereafter pass a reasoned order. If it is found that the petitioner had applied within six months of his superannuation, the due interest on such payment shall be given to him in light of the Full Bench decision of this Court in the case of **Ram Gulam** (supra).

(Ahsanuddin Amanullah, J.)

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