

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7833 of 2015

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Mahendra Narain Sinha, Son of Late Jwala Prasad, Resident of Mohalla - Gansganj,
P.O.- Ara, P.S.- Ara Town, District - Bhojpur.

.... Petitioner

Versus

1. The State of Bihar.
2. The Chief Secretary, Bihar, Patna.
3. The Principal Secretary, Panchayati Raj Department, Bihar, Patna.
4. The Director, Panchayati Raj Department, Bihar, Patna.
5. The Principal Secretary, Finance Department, Bihar, Patna.
6. The Zila Parishad, Bhojpur at Ara.
7. The Chairman, Zila Parishad, Bhojpur at Ara.
8. The Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Bhojpur at Ara.
9. The Additional Chief Executive Officer, Zila Parishad, Bhojpur at Ara.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
Ms. Sandhya Kumari Sinha, Advocate
For the Respondent-Zila Parishad: Mr. Nikesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 28-07-2017

Heard learned counsel for the petitioner and learned
counsel for the Zila Parishad, Bhojpur at Ara.

2. This writ petition has been filed by the petitioner
for a direction to the respondents to make payment of interest on the



amount of Contributory Provident Fund (for short 'C.P.F.') from the year 1992-2009 as also payment of interest on gratuity.

2. It is admitted by the learned counsel for the petitioner that the amount of gratuity has already been paid to the petitioner in two parts. First part of the payment was made on 11.04.2011 and the second part of the payment was made on 30.07.2014.

3. In the counter affidavit filed on behalf of the respondent Zila Parishad, it is stated that the grievance of the petitioner regarding his dues of interest of C.P.F. from 1992 to 2009 was considered and after due calculation, it was found that the petitioner was entitled for payment of Rs.1,53,953/- in respect of statutory interest on the C.P.F. and the said amount has already been drawn in his favour vide Cheque No.985711 dated 24.07.2017 and has been sent to the treasury for payment to the petitioner's account.

4. On the basis of the aforestated statement made in the counter affidavit, learned counsel for the State has submitted that since the grievance of the petitioner has already been redressed, the writ petition may be disposed of.

5. On the other hand, learned counsel for the petitioner has submitted that even after the aforesaid payment of interest over C.P.F., the grievance of the petitioner is not redressed



fully. He has submitted that the petitioner is also entitled for interest because of delayed payment of gratuity amount to him.

6. I have considered the submission made by the learned counsel for the petitioner and the stand of the respondent- Zila Parishad, I find that the main grievance of the petitioner regarding payment of interest over C.P.F. has already been redressed. The petitioner has also been paid his gratuity. It is well known that the Zila Parishad has got limited financial resources and due to paucity of fund some payments are delayed. However, there is no deliberate delay in case of the petitioner in making payment of his retiral dues.

7. In that view of the matter, the writ petition is disposed of with liberty to the petitioner to pursue his remedy by way of filing suit before the court of competent jurisdiction for the claim of interest, if any.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.07.2017
Transmission Date	NA

