IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8888 of 2015

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1. Md. Ali S/o Late Md. Abdus Shakoor, R/o Mohalla- New Millat Colony, Sector-2, Station Road, Phulwarisharif, P.S. Phulwarisharif, District- Patna (801505)

.... Petitioner/s

Versus

1. The State of Bihar

2. The Principal Secretary, Department of Irrigation, Bihar, Patna

3. The Executive Engineer, Son Flood Protection Division, Bihta Camp, Khagaul, Patna

4. The Director, Directorate of General Provident Fund, Pant Bhawan, 5th Floor, Baily Road, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar Singh, Adv.

For the Respondent/s : Mr. Amar Nath Deo, Adv.

For the Accountant General : Mr. Kameshwar Prasad Gupta, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 21-08-2017

The petitioner retired on 31.07.2011 as Junior Engineer while working in Sone Flood Protection Division, Bihta.

2. Learned counsel for the petitioner does not dispute the fact that all retrial benefits have already been paid to the petitioner by the Executive Engineer of the concerned Division. The only controversy now remains is the rate of interest over the G.P.F. contribution of the petitioner. The contention of the petitioner is that the calculation made by the respondents in paying interest to the

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petitioner towards G.P.F. is not correct. He has submitted that the respondents have wrongly paid interest @ 10.5% instead of 12.5% to the petitioner towards G.P.F. after 1986.

3. A counter affidavit has been filed on behalf of the respondent no.4 wherein it has categorically been stated that the petitioner has been paid 12% interest on the amount deposited for the period 1981-82 to 1985-86 and thereafter, he has been paid interest at the rate of 10.5% as the contribution made by him towards G.P.F. was not 15% of his salary.

4. Learned counsel for the State has submitted that the petitioner being a Junior Engineer was a Gazetted Officer and as per Government circular bearing No. 3879 dated 18.03.1996, he was required to contribute 15% of his salary towards G.P.F. for entitlement of interest at the rate of 12.5% but his contribution towards G.P.F. was less than 15% and, therefore, he was not entitled to interest at the rate of 12.5% on the G.P.F. amount.

5. No rejoinder to the counter affidavit has been filed on behalf of the petitioner. Learned counsel for the petitioner has failed to show me any notification or circular of the State Government on the basis of which the petitioner would have been entitled for a higher rate of interest towards G.P.F. contribution.

6. In that view of the matter, I do not see any merit in this

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writ petition. It is, accordingly, dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	24.08.2017
Transmission Date	

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