

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.274 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 21872 of 2013**

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Anita Srivastava @ Anita Kumari Verma, daughter of Late Shyam Nandan Prasad and Wife of Sri Ajay Verma, Resident of Nai Basti Shivaji Nagar Fatehpur, Police Station- Siwan Muffasil, District- Siwan.

.... Appellant/s

Versus

1. The State of Bihar.
2. The Director, Provident Fund Department, Government of Bihar, Patna.
3. The Executive Engineer, Road Construction Divisiona, Dhaka, District- East Champaran.
4. The District Provident Fund Officer, Motihari.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shambhu Prasad

For the Respondent/s : Mr. Gyan Shankar, A.C. to G.P. 2

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)**

Date: 16-02-2017

Heard learned counsel for the parties.

2. The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench on 24th of July, 2014 in C.W.J.C. No. 21872 of 2013 whereby, the claim of the appellant for grant of interest on the G.P.F. amount remained unsuccessful.



3. The appellant is a nominee of her father Late Shyam Nandan Prasad. He died in 1995 but there was an issue as to who is entitled to receive the G.P.F. amount. Such issue was settled by this Court in L.P.A. No. 780 of 2010 decided on 01.02.2012 holding that the appellant is entitled to receive the G.P.F. amount. It is thereafter the amount of G.P.F. has been paid to the appellant. Now she claims interest on the amount of G.P.F.

4. The amount of G.P.F. is the amount of an employee as it is based upon the deductions made from his salary which is the interest bearing deposit till such time the amount remains with the department. Mere fact that there was dispute among the legal heirs as to who is entitled to receive the G.P.F. amount, will not amount to cessation of payment of interest as the amount of G.P.F. was with the department. Since the amount of G.P.F. was with the department, it will carry interest at the rate which is payable to all other depositors under the scheme and has to be paid to the beneficiary after the death of the employee.

5. In view thereof, we find that the order passed by the learned Single Bench is not sustainable. The same is set aside. The Letters Patent Appeal is allowed.

6. The respondents are directed to pay interest on the



entire amount of G.P.F. at such rate as is payable to other depositors till the date of payment to the appellant. Let necessary payment be made within three months from today.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Amin/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	
Transmission Date	

