

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No. 15021 of 2015**

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Mritunjay Prasad Choudhary, Son of Late Bhupendra Prasad Choudhary, Resident of Mohalla Siyaram Nagar (Bhikhanpur), P.S. Ishak Chak, District Bhagalpur.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Education Department, Government of Bihar, Patna.
3. The Director, Provident Fund Directorate, Finance Department, Government of Bihar, Patna.
4. The District Education Officer, Bhagalpur, District Bhagalpur.
5. The District Programme Officer (Establishment), Bhagalpur, District-Bhagalpur.
6. The District Provident Fund Officer, Bhagalpur, District Bhagalpur.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate  
For the State : Mr. Harish Kumar, G.P. 8

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date: 24-05-2017**

Heard learned counsel for the petitioner and the State.

2. The petitioner has moved the Court seeking payment of interest on his G.P.F. amount for the period February, 2013 to November, 2014.

3. The petitioner was a Headmaster and was dismissed while in service on 14.07.2008. The appeal filed by him was also dismissed on 13.05.2011 and even the challenge before the learned Single Bench in C.W.J.C. No. 18635 of 2011 met the same fate on 05.01.2012. Thereafter, in L.P.A. No. 807 of 2012, by order dated



08.09.2014, the dismissal of the petitioner was set aside on the ground of violation of principles of natural justice and he was deemed to have been reinstated with full backwages. However, as the petitioner had already crossed the age of superannuation prior to 08.09.2014, the petitioner got his terminal benefits but as far as G.P.F. is concerned, since the application was made in December, 2014 i.e., beyond a period of six months from the date it became due i.e., 31.07.2012, only interest for six months has been ordered. The petitioner is aggrieved by non payment of interest for the remaining period.

4. Learned counsel for the petitioner submitted that as on the day he would have superannuated, he already stood dismissed and only due to interference by the Court on 08.09.2014, he was reinstated, he applied just after three months and thus, no delay or laches can be attributable to him. He submitted that the respondents are liable to pay the amount as it was lying with them.

5. Learned counsel for the State, relying upon the counter affidavit filed on behalf of the respondent no. 6, submitted that the payment of G.P.F. has nothing to do with dismissal of the petitioner from service. It was submitted that the G.P.F. is an amount of the person concerned and has nothing to do with his dismissal from service. Learned counsel submitted that the cause of action to



the petitioner arose on 31.07.2012, when he superannuated and him not having filed any application for final withdrawal within six months, he is entitled to an interest for a maximum period of six months and not more in terms of Government Letter No. 3373 dated 06.05.1988 as well as Letter No. 2906 dated 24.05.2013. Learned counsel submitted that under identical factual background, the issue has also been decided by a Full Bench of this Court in the case of **Ram Gulam vs. State of Bihar** reported as **2015(1) PLJR 568**.

6. Learned counsel for the petitioner submitted that the said Full Bench decision has not attained finality as a Bench of this Court in **M.J.C. No. 6468 of 2012 (Brishketu Bihari Singh vs. The State of Bihar & Ors.)**, by order dated 16.09.2015, the matter has been referred to a Division Bench of this Court with the observation that the aforesaid decision of the Board in the case of **Ram Gulam** (supra) needs to be reconsidered and thereafter the Division Bench has referred it to the Full Bench.

7. Having considered the matter, the Court does not find any ground for passing any positive order. The matter of payment of G.P.F. being unrelated to the dismissal, liability is cast on the person who at least applies for such withdrawal within six months from the date on which he would have attained the age of superannuation as that is the cut-off-date when final withdrawal is permissible. The Full



Bench also has taken the same view. The reliance of the petitioner in the case of **Brishketu Bihar Sinha** (supra) cannot be of any help to the petitioner for the reason that the matter has only been referred to the Full Bench and till date, there is no decision rendered by the Full Bench contrary to the decision in the case of **Ram Gulam** (surpa). Further, the learned Single Bench while referring the matter has categorically stated that the matter needs to be reconsidered particularly so far as it relates to the case of non- Gazettted Government Servants and other Government servants, who died while in service. The present is not such a matter. Thus, as of now, the law settled by the Full Bench in **Ram Gulam** (supra) holds the field.

8. Accordingly, the writ petition stands dismissed.

**(Ahsanuddin Amanullah, J.)**

P. Kumar

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