# IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.279 of 2015**
**IN**
**Civil Writ Jurisdiction Case No. 607 of 2013**

---

1. Harendra Kumar
2. Satyendra Kumar

Both sons of late Ram Swarup Singh, resident of Village –Motha, PO Bhadasi, PS Arwal, District Arwal

.... .... Petitioners / Appellant/s

Versus

1. The State of Bihar through the Collector, Jehanabad, District Jehanabad
2. The Collector, Gaya, District Gaya
3. The Collector of Arwal, District Arwal
4. The District General Provident Fund Office, Pant Bhawan, Bailey Road, Patna
5. The Accountant General, Bihar, Patna
6. The District Provident Fund Officer, Jehanabad, District Jehanabad
7. The Block Development Officer, Fathapur, Gaya
8. The Block Development Officer,Kurtha (Arwal)
9. The Block Development Officer, Arwal, District Arwal
10. The Treasury Officer, Arwal, District Arwal

.... .... Respondents - Respondent/s

---

**Appearance :**
For the Appellant/s : Mr. Ghanshyam Sharma
For the State : Mr. Sita Ram Yadav, GP 16
For the Accountant General : Mr. Raghawanand

---

**CORAM: HONOURABLE THE CHIEF JUSTICE**
**and**
**HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**

ORAL JUDGMENT
**(Per: HONOURABLE THE CHIEF JUSTICE)**
**Date: 26-02-2018**

Seeking exception to an order dated 27.08.2014 passed by the learned Writ Court in CWJC No. 607 of 2013 and refusing interest to be paid to the petitioners, this appeal has been filed under Clause 10 of the Letters Patent.

Late Ram swarup Singh was working as a Panchyat Sewak under the respondent-Arwal Block Development Office. He died in harness on 13.06.1988. The appellants herein are his legal heirs. Part of GPF amount after the death of their father was not granted. The appellants submitted application claiming some rate of interest from the period 1989 and after 11 years of death of their father. On 02.06.1999, a sum of Rs. 19,644 was paid towards the GPF amount. Thereafter on 20th August, 2014 the remaining amount of Rs.19,746/- was paid. However, when the amount was not paid the writ petition was filed in the year 2013 and it was during the pendency of the writ petition that on 20th August, 2014 the amount of Rs.19,746/- was paid. When the petitioners claimed interest on the delayed payment, i.e. statutory interest payable, the learned Writ Court has directed the authorities to look into such grievance.

It is the case of the appellants that as the amount of Provident Fund was settled after such a long period of time and the amount remained with the Government for all this period, the employee is entitled to statutory interest at least from 1988 to 1999.

On notice being issued the respondents filed counter affidavit and they only say that incomplete application form was submitted and as the complete application was not submitted which is pre-condition of settlement of the claim, delay is attributable to the employee concerned and, therefore, interest cannot be claimed. However, on going through the documents available on record, particularly the report submitted by the officers of the Department we find that the entire documents and papers were submitted immediately after the death of the employee as is evident from the communication made by the District Accounts Officers vide Annexure- 1/C dated 11.05.1999 available on page -68 of the paper-book and in paragraph- 1 he has fairly indicated that a fire took place in the office on 13.11.1997 and the original papers and application submitted have been destroyed. From the overwhelming communication that has come on record it is clear that delay was occasioned because of the default on the part of the Department and therefore, the petitioners cannot be denied the benefit of statutory interest.

Keeping in view the aforesaid, this appeal is allowed with statutory interest on the Provident Fund amount only from 13.06.1988 up to 02.06.1999 which shall be paid to the appellants within period of sixty days from the date of receipt of certified copy of this order.

The appeal stands allowed accordingly.

**(Rajendra Menon, CJ)**

**(Anil Kumar Upadhyay, J)**

mrl./-

| | |
|---|---|
| AFR/NAFR | NAFR |
| CAV DATE | N.A. |
| Uploading Date | 06/03/2018 |
| Transmission Date | |