

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 538 of 2015

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Sanjay Kumar Singh S/o Sri Shivnath Singh R/o 265, Civil Lines, Near Head Post Office, P.S. Kotwali, District - Azamgarh (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar
2. The Home Commissioner, Bihar, Patna
3. The Special Secretary, Home (Police) Dept. Govt. of Bihar, Old Secretariat, Patna
4. The Director (Prosecution), Patna, Bihar
5. The Director, Provident Fund, Patna, Bihar
6. The District Provident officer, West Champaran, At Bettiah
7. Officer In charge Personal Claims Settlement Wing, Dept. of Finance, Patna, Bihar
8. The Collector - cum - District Magistrate, West Champaran at Bettiah

.... Respondent/s

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Appearance :

For the Petitioner/s	:	M/s Arun Kr Tiwari & Dhananjay Kr Shahi, Advocates
For the State	:	Mr Shailesh Kumar, AC to GP V
For the A G	:	Mr S M Ehtesham, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 05-02-2018

Heard counsel for the petitioner, State and the
Accountant General.

2 The petitioner confines his relief towards the claim of interest on his GPF account for the period of 1998-2011. The brief undisputed facts are that the petitioner was appointed as APP on 14.09.1990 and continued as such till 14.11.1998. After obtaining permission in accordance with law from the State of Bihar, he applied for APP in the State of Uttar Pradesh wherein he was selected. It is the petitioner's case that as of today, he is serving in the State of Uttar



Pradesh. His dues on account of interest on GPF for the aforesaid period have not been paid to him. He submits that the District Magistrate, Gonda had, by his letter which is Annexure 2 to IA No 847 of 2017, forwarded the petitioner's claim for payment of his outstanding dues under the head GPF. He submits that the same was in accordance with law and within the statutory period as his resignation had been accepted by the State of Bihar with effect from 14.11.1998. This Court has examined the said letter of the District Magistrate (Annexure 2). The same merely forwards the petitioner's claim for the dues under the head GPF enclosing Photostat copy of some accounts/statements issued by the District Provident Officer, Ranchi. The same does not show that the petitioner's formal application has been forwarded along with the said application. Other than that, it is not clear that when the said application was received.

3 Annexure D series to the counter affidavit filed by the State contains the petitioner's application on the prescribed format which has been submitted before the authorities on 17.10.2010 much after six months' period. Admittedly, after 14.11.1998, petitioner ceased to be an employee of the State of Bihar as he had already joined in the State of Uttar Pradesh. The respondents have brought on record the notification dated 06.05.1988 to contend that a formal application was to be made on the prescribed format within six months on the date on which the petitioner's entitlement has arisen.



The State has also relied upon the Full Bench judgment of this Court passed in the case of *Ram Gulam –Versus- State of Bihar & Others, 2015 (1) PLJR 568*. The State Counsel relied upon paragraph 14 to contend that after the expiry of six months if the State has not received the withdrawal application, there would be no obligation of paying interest on the outstanding amount. Counsel for the petitioner submits that formal application does not mean application on the prescribed form. This Court is not inclined to accept the submission of the petitioner as formal application would mean application in accordance with the requirements.

4 The petitioner was apparently conscious of such requirement and has also acted as per the said law and submitted his application on the prescribed form on 17.10.2010. Since the same has been submitted beyond the period of six months, the same is contrary to the said notification relied upon by the State Counsel as also the legal position as per the Full Bench judgment. The claims of petitioner for arrears of interest are, thus, not tenable.

5 The writ petition, therefore, is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.02.2018
Transmission Date	NA

