

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 17978 of 2016

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Niranjan Kumar Sinha aged about 66 years, Son of Late Bishambhar Nath, resident of Bishambhar Bhawan, Jagat Narain Lal Road, Kadamkuan, Police Station Kadamkuan, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Vishwesharaiya Bhawan, Bailey Road, Patna.
2. The Joint Secretary, Urban Development and Housing Department, Vishwesharaiya Bhawan, Bailey Road, Patna.
3. The Deputy Secretary, Urban Development and Housing Department, Vishwesharaiya Bhawan, Bailey Road, Patna.
4. The Principal Secretary, Finance Department, Old Secretariat, Patna.
5. The Director, Provident Fund, Directorate, Bihar, Patna.
6. The District Provident Fund Officer, Patna.
7. The Bihar State Housing Board through its Managing Director, 6 Mangles Road, Patna.
8. The Secretary, Bihar State Housing Board, 6, Mangles Road Patna.
9. The Accountant General (Accounts and Entitlement), Bihar, Patna, having his office at Birchand Patel Path, Police Station Kotwali, District Patna.
10. The Treasury Officer, Secretariat Treasury, Vikas Bhawan, New Secretariat, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rupak Kumar, Advocate
For the State	:	Mr. Ram Subhash Singh, Advocate
For the A.G.	:	Mr. Satyendra Kumar Jha, Advocate
For the Respondents No. 7 & 8	:	Ms. Kanak Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 13-09-2018

Heard learned counsel for the petitioner; State; Bihar
State Housing Board (hereinafter referred to as the 'Board') and
Accountant General.

2. The petitioner has moved the Court for the following
reliefs:

*“That this writ application is filed for
issuance of writ in the nature of mandamus directing*



the State respondents to pay full pension, full gratuity, general provident fund amount and group insurance amount with statutory and penal interest to the petitioner.”

3. The petitioner was appointed as Work Sarkar by the Housing Department of the State Government on 01.07.1971 and his services was transferred and placed at the disposal of the Board with effect from 01.09.1972. The petitioner moved the Court in CWJC No. 14866 of 2006 for regularization of his services on the post of Upper Division Clerk and pursuant to the order of the Court, the same was done with effect from 22.07.2009. On 30.09.2010, the petitioner superannuated.

4. Learned counsel for the petitioner submitted that he has applied for pensionary benefits in November, 2011, but payments have been made only in the year 2018, for which he may be granted interest.

5. Learned counsel for the Board submitted that the pensionary benefits of the petitioner were contingent upon him returning the benefit which he had taken under the E.P.F Scheme and the petitioner having returned an amount of Rs. 4,50,522/- on 12.08.2015, the matter was processed and payments have been made.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court



finds the petitioner having been granted the pensionary benefits, the matter should now come to rest, but as far as award of interest is concerned, admittedly, the liability to pay the pensionary benefit prior to 12.08.2015 could not be fastened on the Board as the petitioner himself has returned the E.P.F contribution on 12.08.2015. Moreover, the petitioner having waited for six years after his superannuation and then coming before the Court and thereafter within two years of his filing the present writ petition, payments having been made, the Court finds that there is contributory laches on the part of both the sides. Thus, for persons who keep waiting and take chances without moving the Court within a reasonable period, the Court would not show indulgence by granting interest.

7. With regard to G.P.F., it appears that for the time spent under the Board, the E.P.F. was being deducted and deposited but upon superannuation, the petitioner had returned the amount towards E.P.F. deduction of Rs. 4,50,522/- to the Board. Thus for calculating the G.P.F., the same had to be deducted from his salary, during the period the petitioner spent under the Board and if the same was not deducted from his salary, the petitioner would have to deposit the money which would have been his contribution to the fund for the entire period. Thus, let the Board in consultation with the parent Department of the petitioner work out the amount of G.P.F., which



was required to be deducted from the salary of the petitioner and not deposited by the petitioner. The amount computed would be payable by the petitioner. Thereafter, taking into account the interest which would have accrued for the period for which such deductions /contributions had been made, the parent Department of the petitioner would be required to make payment of G.P.F., in accordance with law.

8. If the petitioner approaches the concerned authorities in this regard, the same shall be dealt with, in accordance with law. Further, if with regard to the payments made, the petitioner is entitled to any statutory interest in law, the same shall also be paid to him.

9. The writ petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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