

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2167 of 2016
IN
Civil Writ Jurisdiction Case No. 15078 of 2015**

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Shyama Devi Wife of Late Uma Kant Jha, Resident of Village- Bara, P.S. Bara,
District- Saharsa.

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Agriculture, Government of Bihar, Patna.
2. The Principal Secretary, Department of Agriculture, Government of Bihar, Patna.
3. The Director, Soil Conservation, Department of Agriculture, Govt. of Bihar, Patna.
4. The Director, Provident Fund, Bihar, Patna.
5. The District Provident Fund Officer, Purnea.
6. The Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Pramod Mishra, Advocate
For the State	:	Mr. Sarvesh Kumar Singh-AAG13
Counsel for A.G.	:	Mr. Kumar Priya Ranjan (SC)
	:	Mr. Niraj Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 02-04-2018

In the facts and circumstances, as is evident from the record, we are not inclined to make payment of any interest to the petitioner with regard to delay in payment of the provident fund for the simple reason that the petitioner's husband was involved in defalcation of Government fund to the tune of Rs.16,117.93, he was suspended and an F.I.R. was lodged against him in the year 1976 and



he absconded, his whereabouts were not known and it was only when the writ petition was filed, on enquiry it was found that after his death, the case was closed and immediately thereafter when the final withdrawal form was submitted, the G.P.F. claim was settled.

Now the petitioner wants that she should be paid interest on the P.F. amount from the year 2016 when she first represented. However, on perusal of the so-called claim made for settlement of G.P.F. amount, available at page-13 of the writ petition as Annexure-4 series, we find that these documents do not bear any acknowledgement. It is not known as to how and on what date these representations were submitted and to whom, they are only handwritten and typed representations without any acknowledge or receipt with regard to their submission to the Department concerned. On the contrary, we find from the record that when the writ petition was pending, settlement was made by the State Government with the employee during his life time and the petitioner after his death had not submitted the G.P.F. withdrawal form and when it was submitted in the year 2015, immediately thereafter in the year 2016 within a reasonable period of time, the entire claim of the petitioner was settled.

That being the position, we are not inclined to grant any further interest on the amount.



Accordingly, the appeal stands dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/ N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
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