

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1696 of 2016

Nilam Kumari D/o Shri Brahmadeo Prasad, W/o Shailendra Kumar, R/o
Village - Shairapar, P.O. - Bhadru, P.S. - Chandi, District - Nalanda.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Civil Surgeon - cum - Chief Medical Officer Nalanda at Biharsharif.
4. The District Provident Fund Officer, Nalanda at Biharsharif.

... .. Respondents

Appearance :

For the Petitioner : Mr.Binit Kumar, Advocate
Mr. U B Roy, Advocate

For the Respondents : Mr. Anwar Karim, AC to GP 10

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 21-02-2019 Heard learned counsel for the petitioner as well as
learned counsel for the State.

Writ petition has been filed for payment of dues on account of GPF, Group insurance and other statutory dues along with interest. During pendency of the writ petition, dues of the petitioner have been paid. Learned counsel for the petitioner however submits that statutory interest on GPF has not been paid to the petitioner till the date of payment.

Specific stand has been taken in paragraph 12 of the counter affidavit by respondent no.4 that the interest on the amount deposited by the subscriber is calculated on the basis of GPF Rule 14(4) and the Circular No.3373 dated 6.5.1988 of the Finance Department, Government of Bihar. Statutory interest is paid to the subscriber till six months from the date of his/her



retirement even if he/she does not apply for final withdrawal within the period. In case the employee does not apply within six months of retirement, then the interest will be calculated from the day he/she applies for final withdrawal till the date of final payment of GPF amount.

It is submitted by learned counsel for the petitioner that the issue regarding her termination was pending consideration before this Court and finally the same was decided after a long time on 5.5.2015. The petitioner has applied for withdrawal of GPF on 10.8.2015. He submits that the petitioner applied within six months of disposal of the pending proceedings so she would be entitled to GPF along with interest thereto.

In this case, petitioner's termination is in the year 2001. She has not applied for final withdrawal within six months thereafter as per requirement of the Rules and circular taken note of. Thus, petitioner cannot claim any interest on the said amount of GPF and it would not be payable in terms of Rule position which has been cited in the counter affidavit.

In the earlier writ proceedings against order of termination no relief has been prayed for grant of interest on GPF even till the date of its adjudication, i.e., 05.05.2015.



In view of the aforesaid situation, claim of the petitioner for statutory interest upto date on GPF amount is not payable to the petitioner.

Writ petition is disposed of .

(Madhuresh Prasad, J)

Shashi

U			
---	--	--	--

