IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6325 of 2018

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Dr. Parasnath Singh, son of Ram Dheni Prasad @ Singh, Resident of Shanti Kunj, New Area, Sikandarpur, Yehiapur, P.S. and District- Muzaffarpur.

... ... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Finance, Bihar, Patna.
2. The Director, Provindent Fund Directorate, Finance Department, Govt, of Bihar, Pant Bhawan, Bailey Road, Patna.
3. The District Provident Fund Officer, Nawada.
4. The Block Development Officer, Mehasi Block, Mehasi, District- East Champaran.
5. The Accountant General, Bihar, Birchand Patel Path, Patna.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr.Amitesh Kumar, Adv.
For the Respondent/s : Mr.Sarvesh Kumar, G.P-24

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 04-01-2019

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel appearing on behalf of the Accountant General, Bihar, Patna.

Petitioner in the present writ application prays for direction to pay the difference amount of interest on GPF which has not been paid to him. Petitioner retired from the post of District Animal Husbandry Officer, Nawada on 30.06.2008. Earlier the petitioner had moved this court in C.W.J.C. No. 13056 of 2015 which was compromised before the Lok Adalat with a direction that any interest accruing on GPF would be calculated and paid within three months, through award of the Lok Adalat dated 08.07.2017.

A counter affidavit has been filed by the respondent no. 3 stating therein that as per the notification issued by the Finance Department of the Government of Bihar which is Annexure- E dated 06.05.1988, the details of contribution of the retired employee if submitted after six months, interest on GPF would not be payable and refers to a Full Bench decision as contained in Annexure-F and reported in 2015 (1) PLJR 568 stating therein that if the retired employee has not submitted his formal application within six months, the State Government is under no obligation to pay interest over the outstanding amount of provident fund. The petitioner had submitted his Final Withdrawal Application form only on 13.04.2012 as stated in Para-3 of the counter affidavit filed by Respondent no. 3.

Learned counsel for the petitioner has filed a rejoinder to the said counter affidavit stating therein that after retirement he was made to run from pillar to post and after having filed an appeal before the State Information Commission, Bihar, Patna the required papers were processed by the Block Development Officer, Mehasi and his GPF amount has been given but without interest for the period 30.06.2008 to 26.04.2012.

Considering the submission of the parties and that the petitioner tried his level best to obtain the statement of provident fund deduction from the authority concerned which was not available to him, the petitioner would be entitled to the statutory interest for the said period as the Block Development Office, Mehasi vide Letter No. 329 dated 25.03.2016 directed his assistant to give statement of GPF deduction to the petitioner and on 10.04.2017 by Letter No. 486 the GPF deduction was sent which is Annexure-6 to the writ application.

Considering the aforesaid facts, this writ application is allowed with a direction to the respondent no. 3, the District Provident Fund Officer, Nawada to calculate the interest for the period 30.06.2008 to 26.04.2012 as the delay was not attributable on the part of the petitioner and the Full Bench decision referred to hereabove was with regard to the retired employee who had not furnished the details of the deductions of the GPF amount within a period of six months but in the present case, the petitioner was taking all efforts and had to file an appeal before the State Information Commission and in spite of the award passed by the Lok Adalat, payments were not made. The District Provident Fund Officer, Nawada, respondent no. 3 is directed to calculate statutory interest for the said period within a period of three months from the date of receipt/production of a copy of this order and payments be made to the petitioner within one month thereafter.

(Nilu Agrawal, J)

Priyanka

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