

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5568 of 2019**

Smt. Shanti Patre, Wd/o. Late Shri Mukesh Patre, Aged About 44 Years,
R/o. Ramnagar, Motipur, Ward No. 08, District Rajnandgaon, Chhattishgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through Secretary, Department Of Urban Administration & Development, Mahanadi Bhawan, Capital Complex, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. Directorate, Urban Administration & Development, Through The Director, Urban Administration & Development, Indrawati Bhawan, Capital Complex, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
3. Municipal Corporation, Rajnandgaon, Through Its Commissioner, Municipal Corporation, Rajnandgaon, District Rajnandgaon, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Shiv Sahu, Advocate
For State/Respondents No.1 & 2	:	Mr. Arvind Dubey, Panel Lawyer
For Respondent No.3	:	Mr. Sourabh Sharma, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****30.07.2019**

Heard

1. The instant petition is filed for the reason that the mother-in-law of the petitioner was working as Safai Karmchari in the Health Department of Municipal Corporation Rajnandgaon who expired on 02.10.2017. The respondent No.3 Municipal Corporation has given the interest of GPF at the rate of 5% ignoring the provisions of Rule 24 of the Chhattisgarh Municipal Employees Recruitment & Condition of Service Rule, 1968 as well as provisions of Section 442(5) of the Municipal Corporation Act, 1956.
2. Learned counsel for the petitioner submits that this issue has already been settled in the likewise petition in WPS No.3458/2007 decided on 04.08.2017 and submits that the petitioner is also entitled for the interest on gratuity at par, as per the government rate, which is payable.

3. Learned counsel for the respondent No.3 do not dispute the fact that the issue has already been settled by this Court in WPS No.3458/2007 with analogous writ petition. The relevant part of the order is reproduced as under :

“11. As an upshot of the above discussion, it has to be held that the petitioners are entitled to payment of interest by application of statutory scheme engrafted under Rule 24 of the Rules of 1968 which mandates that Madhya Pradesh General Provident Fund Rules amended from time to time shall apply to Municipal employees in the same way as are applicable to government servants of states except in so far as they are not inconsistent with the provisions of the Municipalities Act of 1961 and the Rules of 1968 subject to the extent that it will not apply to those employees, who have already opted under proviso (c) of Rule 23(2) of the Rules of 1968. On facts, it is not the case of the respondent- Corporation that the petitioners are continuing as employees of the then Municipal Council, Rajnandgaon had opted under proviso(c) of Rule 23(2) of the Rules of 1968.

12. In the result, both the petitions are allowed and the respondents are directed to compute the interest on provident fund deposits by applying the rates as per Rule 24 of the Rules of 1968. All computation shall be made within a period of 90 days from the date of receipt of a copy of this order and whatever amount is found due and payable to the petitioners over and above the amount already paid to the petitioners, shall be paid to them within a period of two months of such decision. The entire payment due and payable to the petitioners shall be paid to the petitioners within the stipulated period, failing which, it shall carry interest @ 18% from the date of expiry of the period within which exercise is to be completed, as directed above.”

4. It is ordered accordingly. The direction given in Para 11 & 12 of WPS No.3458/2007 shall also squarely applied to the petitioner and the respondents shall be bound by it.

Sd/-
Goutam Bhaduri
Judge