

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5597 of 2019

Jhanaklal Markandey S/o Late Sri Lachchanram Markandey Aged About 28 Years R/o Village - Bagatarai, Post - Dilapahari, Tahsil And District Rajnandgaon Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Urban Administration And Development, Mahanadi Bhawan, Capital Complex, Mantralaya, Naya Raipur, District Raipur Chhattisgarh.
2. Directorate Urban Administration And Development, Through The Director, Urban Administration, And 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	:	Ms. Sunita Jain, G.A.
For Respondent No.3	:	Mr. Tarkeshwar Nande, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

31/07/2019

1. Learned counsel for the petitioner submits that the issue involved in the instant case has been decided and squarely covered by the judgment of this High Court in WPS No. 3548/2007.
2. It is contended that [the petitioner's father](#), who is working as a Fireman in the Health Department of Municipal Corporation, Rajnandgaon [expired on 18.01.2018](#).
3. The respondent No.3-Municipal Corporation has given the interest on the GPF amount @ 5% per annum ignoring the provisions of M.P. Chhattisgarh Municipal Employees Recruitment and Conditions of Service Rules, 1968.

Counsel for the petitioner submits that the case of the petitioner is squarely covered from the judgment passed in WPS No. 3548/2007.

4. Counsel for the respondents do not dispute the fact and the operative part of the judgment passed in WPS No. 3548/2007 on 04.08.2017, which reads 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.”

5. It is ordered accordingly. The petitioner shall be entitled for the same relief.
6. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge

Ved