IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5273 of 2019

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Sant Prasad S/o Late Matukdhari Singh Resident of Krishnapuri Jehanabad Road, Masaurhi, P.O. +P.S.- Masaurhi, District- Patna, Bihar, Pin Code-804452

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Vikash Bhawan, Bailey Road, Patna
2. The Director, Secondary Education, Govt. of Bihar, Vikash Bhawan, Bailey Road, Patna
3. The Director, Directorate General, Provident Fund, Pant Bhawan, Bailey Road, Patna
4. The District Provident Fund Officer Nalanda, Distt.- Nalanda
5. The District Programme Officer, Establishment, Nalanda
6. The District Programme Officer, Establishment, Patna
7. The Treasury Officer, Nalanda
8. The Head Master, High School Sai, P.O.- Hazrat Sai, P.s.- Dhanarua, Distt.- Patna
9. The Head Master, Sukhdeo Academy, Ekangarsarai, Distt.- Nalanda

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr.Ghanshyam Sharma
For the Respondent/s : Mr.Ashutosh Ranjan Pandey

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 15-06-2020 Heard both sides through Video Conferencing.

The counter-affidavit has been filed on behalf of respondent Nos.3 and 4.

The petitioner in this writ petition prays for the following reliefs:

(I) For direction to the Respondent No.4, the District Provident Fund Officer, Nalanda to recompile and recalculate taking into account(a) rate of interest 12.5% on deposited amount from July 1985 to Feb.1999(b) uptodate (i.e. Feb.2003 to till the date of payment) statutory interest as contained in Annexure-3 to this writ petition. Any amount due to be paid to the petitioner be paid within two months from the date of order.

(ii) For any other order or direction which your Lordships may deem fit and appropriate in the interest of justice, equity and good conscience.

The petitioner was initially appointed on the post of Assistant Teacher on 08.02.1965 in High School Sai, P.O.-Hazarat Sai, P.S. Dhanarua, District-Patna. The petitioner claims that the admissible interest on the G.P.F. amount deposited by the petitioner has not been calculated in accordance with the Resolution Nos.4184 and 4193 dated 13.07.1985 of the Finance Department, Govt. of Bihar. The Govt. of Bihar has also issued a Resolution No.3373 on 06.05.1998 for entitlement of upto date statutory interest i.e. from the date of retirement to till the date of issuance of authority slip. The petitioner retired on 31.01.2003 as an Assistant Teacher from Sri Sukhdeo Academy, Ekangarsarai, Nalanda. Rs.4,98,225 in the Head of G.P.F. was paid to the petitioner but the petitioner found that the interest was not properly added and accordingly sent representation through registered post on 07.12.2018 but till date, the representation of the petitioner has not been disposed of.

The Director, Directorate General, Provident Fund and the District Provident Fund Officer, Nalanda filed counter-affidavit. It is submitted that petitioner filed this writ petition and made claim for recalculation of interest from the period of 1985 to February, 1999. The petitioner was paid interest on G.P.F. amount at the admissible rate. The application for withdrawal of G.P.F. amount was made available to the office of the respondent Nos.2 and 3 on 24.02.2003 and the entire G.P.F. amount with admissible interest amounting to Rs.4,98,225/- was ordered to be paid to the petitioner vide authority letter No.106 dated 28.02.2003(Annexure-B). The petitioner was already paid interest at the rate of 12.5% in the year 2003 but the petitioner raised this grievance only by filing this writ petition in the year 2019 i.e. after 16 years from the date of payment of the entire G.P.F. amount.

It appears from the facts that the petitioner disputed that the amount of interest at the rate of 12.5% has not been calculated properly on the money deposited by the petitioner in the Head of G.P.F. The entire amount in the Head of G.P.F. of the petitioner amounting to Rs.4,98,225/- was paid to the petitioner in the month of February, 2003 but the petitioner raised the grievance for non-payment of interest only after 16 years. From perusal of Annexure-B to the counter-affidavit filed on behalf of the Director, Directorate General, Provident Fund and District Provident Fund Officer, Nalanda, it appears that entire calculation of contribution of the petitioner towards the G.P.F. and the interest accruing thereon has been given and there appears no error. Petitioner did not point out error in the calculation of interest when the payment was made to the petitioner in the year 2003.

Considering the facts aforesaid, I find no merit in this writ petition. Accordingly, the writ petition is dismissed.

(Prabhat Kumar Jha, J)

Saurabh/-

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