

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.25658 of 2019

Surendra Chaudhary son of Late Mewa Lal Chaudhary resident of Mohalla-Naya Tola Madhopur, Bakhtiarapur, P.O. and Police Station- Bakhtiyarpur, District- Patna.

... .. Petitioner

Versus

1. The Chairman Cum Managing Director Bihar State Power Holding Company Limited, Bidhut Bhawan, Bailey Road, Patna.
2. The General Manager (Finance and Accounts), South Bihar Power Distribution Company Limited, Bidhut Bhawan, Bailey Road, Patna.
3. The District Magistrate, Patna.
4. The District Provident Fund Officer, Gandhi Maidan, Patna.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Abhay Kumar, Advocate
For the State	:	Mr. Ajay Kumar Rastogi (AAG 10)
For the Power Company :		Mr. Vinay Kirti Singh, Sr. Advocate
		Mr. Kunal Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 23-06-2020

Heard learned counsel appearing on behalf of the petitioner, learned counsel appearing on behalf of the State as well as learned senior counsel appearing on behalf of the respondent-Power Company.

The issue involved in the present writ petition relates to non-payment of up-to-date interest on the amount of provident fund.



Learned Cornelius for the respondents submits that the petitioner has been dismissed from service vide Office Order No. 856 contained in Memo No. 857 dated 21.05.2014 and the petitioner has been paid up-to-date interest till the date of his dismissal.

Learned counsel for the petitioner would submit that the petitioner has not been paid statutory interest on the GPF amount.

In the counter affidavit a stand has been taken that the petitioner has applied for final withdrawal of GPF and GSS after five years and as such, he has been paid the amount of interest till the date of his dismissal as delay is attributable to the petitioner and not the respondents.

In this regard relevant part of paragraphs 7 to 10 of the counter affidavit is quoted hereinbelow for ready reference:-

“7. That the Departmental proceeding was initiated against the petitioner vide resolution no. 684 dated 08.-7.2008 and thereafter the departmental proceeding was concluded and the Petitioner was dismissed from service vide Office Order No. 856 memo no. 857 dated 21.05.2014

8. That after much delay i.e. after approximately five years the petitioner submitted an application dated 06.03.2019 before the DGM (HR/Admn.) for payment of GPF and GSS.

9. That pursuant to petitioner's application a total amount of Rs. 7,91,911/- (Seven Lakh Ninety One Thousand Nine Hundred Eleven Only) was sanctioned in petitioner's GPF head,



A/c No. - RN-1406 vide office order no. 1378 memo no. 257 dated 30.04.2019 and GPF amount to paid (sic) to the petitioner vide Cheque No. 561948 dated 29.05.2019.

10. That it is humbly submitted that there is no dispute that the accumulated amount of GPF remained unpaid to the petitioner after 21.05.2014 but this delay cannot be attributed to the Respondent Authority rather the delay was caused on the part of the petitioner himself who submitted his application for final withdrawal of GPF on 06.03.2019 therefore, under rule 14 of Bihar GPF Rule 1948 and therefore the interest on delayed payment of only six months has been paid to the petitioner.”

Considering the scheme under Rule 14 of the Bihar GPF Rules 1948, interest is payable for six months. If the petitioner has filed the application for final withdrawal of the GPF amount on 06.03.2019, the petitioner would be entitled to interest of six months only and he is not entitled to interest beyond the period of six months as the GPF amount was finalised by issuing cheque dated 29.05.2019 in favour of the petitioner.

Considering the aforesaid, the writ petition is disposed of with a direction to the respondents to calculate statutory interest on the GPF amount from 06.03.2019 to 29.05.2019 and make payment of the same at the earliest preferably within a period of one month from the date of receipt/production of a copy of this order failing which the petitioner would be entitled to 9% interest per annum from the date of filing of the writ petition i.e.



19.12.2019 till date of actual payment.

With the aforesaid observation and direction, the present writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

BT/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	.06.2020
Transmission Date	N.A.

