

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.117 of 2021

Mostt. Shanti Devi, Wife of Late Bhushan Narayan Sharma, Resident of
Village-Tineri, P.O.-Nadaul, P.S.-Masaurhi, District-Patna, Pin Code-804454.

... .. 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 Joint Commissioner cum Director, Directorate General, Provident Fund, Pant Bhawan, Bailey Road, Patna.
4. The Collector, Patna.
5. The District Provident Fund Officer, Collectorate, Patna.
6. The District Education Officer, Patna.
7. The District Programme Officer, Establishment, Patna.
8. The Treasury Officer, Patna Collectorate, Patna.
9. The Head Master, Jagmohan High School, Tinari, Nadaul, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Sharma, Adv.

For the Respondent/s : Mr. Arvind Kumud, AC to GP-23

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 26-10-2021 Heard Mr. Ghanshaya Sharma, learned counsel for
the petitioner and Mr. Arvin Kumud, learned AC to GP-23 for
the State-Respondents.

2. Learned counsel for the petitioner submits that
husband of the petitioner retired on 31.07.1999 from the post of
Clerk, Jagmohan High School, Tineri, Nadaul, District-Patna
and died on 03.07.2001.

3. Learned counsel for the petitioner confines his
prayer for payment of interest for a period of six months
inasmuch as according to the petitioner Rule 14 of Bihar



General Provident Fund 1948, the State Government is obliged to pay interest over the amount of provident fund for the delay of six months and in the present case, the authority slip was issued on 10.02.2021 for payment of remaining GPF i.e., Rs. 2,80,171/- but the payment towards GPF has been made to the petitioner on 10.08.2021, i.e., after delay of about six months which the petitioner is entitled to be paid at statutory rate of interest as applicable for the GPF amount.

4. In support of his submission, learned counsel for the petitioner referred to para-6 of the supplementary affidavit and also relied upon the Full Bench judgment of this Court in the case of *Ram Gulam v. The State of Bihar* as reported in *2015 (1) PLJR 568*.

5. On the other hand, learned counsel for the State referring to paragraph-7 of the counter affidavit submits that the claim of interest upon delayed payment for the interregnum period i.e., from the date of issuance of authority slip and the date of actual payment is not maintainable in view of the fact that due to Covid-19 pandemic, the office was not running in full strength and the claim of the petitioner is itself delayed.

6. After having heard learned counsel for the parties and from perusal of the Rule-14 of Bihar General Provident



Fund Rules 1948, it appears that the Rule envisages that on retirement or dismissal or removal from service, the Government servant or in case of death of the Government servant, his nominee or successor in interest shall make application for withdrawal of the amount of provident fund and Sub-Rule (4) of the aforesaid Rule-14 enjoins the State Government to pay interest over the amount of provident fund due for six months from the date, it becomes due for the payment.

7. In the present case, clear-cut contention of the petitioner is that the authority slip in favour of the petitioner was issued on 10.02.2021 for payment of GPF amount and from the date of issuance of authority slip, there is admitted delay of six months in payment towards GPF amount.

8. Accordingly, the concerned State-Respondents are directed to pay the interest over the provident fund amount from the date of issuance of the authority slip till the date of payment at statutory rate.

9. With the aforesaid observation and direction, the instant writ application stands disposed of.

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(Anil Kumar Sinha, J)

