IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.233 of 2019

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Surendra Kumar, Son of Late Ram Krishn Singh, resident of Village + Post-Baruna, Police Station- Ftuha, District- Patna.

... ... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Magistrate, Patna.
5. The District Education Officer, Patna.
6. The District Provident Fund Officer, Patna.
7. The District Programme Officer (Establishment), Patna.
8. The Treasury Officer, Danapur, Patna.
9. The Block Education Officer, Phulwarisharif, Patna.
10. Headmaster, Govt. Middle School, Phulwarisharif, Patna.
11. Drawing and Disbursing Officer, Middle School, Phulwarisharif, Patna.

... ... Respondents

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Appearance :

For the Petitioner/s	:	Mr. Dharmendra Kumar Raju, Advocate
For the Respondent/s	:	Smt. Binita Singh, SC-28

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

6 22-03-2021 In the present case, the only dispute left is with respect to quantum of amount under the heading of G.P.F.

Let the counter affidavit filed by respondent no.6 be kept on record for future reference.

It has been claimed that the petitioner is entitled to G.P.F. including interest at the rate of 12.5% per annum from July, 1985 to February, 1999 and also made prayer to pay differential amount of salary for the period from 16.09.1971 to 31.03.1973 with admissible interest, which was deposited in his G.P.F. account in view of resolution no.763 dated 09.02.1973.

So far as the claim of the petitioner with respect to payment of differential amount of salary from 16.09.1971 to 31.03.1973 is concerned, applying the principle of delay and laches, the same cannot be allowed and hence, this prayer of the petitioner is rejected.

So far as the prayer of interest on G.P.F. claiming that it should be at the rate of 12.5% from July, 1985 to February, 1999 is concerned, a counter affidavit has been filed by respondent no.6, wherein it has been stated that in the notification dated 13.07.1985 issued by the Finance Department providing in what manner the calculation of G.P.F. has to be made and it has been mentioned therein that those who have offered for deduction of 12.5 % amount from the basic pay, they will be entitled to interest at the rate of 12.5% per annum. As the petitioner has neither made required contribution i.e. 12.5% from the basic pay in the month of July, 1985 nor compensated the same by depositing the differential amount in the month of December, 1985, and thus, the petitioner is not covered under the new scheme, which prescribes that employee will be entitled to interest at the rate of 12.5% per annum.

In such view of the matter, the petitioner, if so advised, may file proper application with regard to interest part and the authority concerned, in turn, will look into the matter and take decision in accordance with law.

With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

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