

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18536 of 2021

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1. Mahendra Prasad Sah Son of Late Rameshwer Sah Resident of NH- 31, Near Bus Stand, Sharda Nagar, PS. K. Hat, Dist- Purnea, Bihar- 854301.
 2. Parmanand Singh Son of Late Chikku Mandal Resident of Ward No.24, Near Newalal Chowk, Aam Baghan, Shanti Nagar, Purnea, Bihar- 854301.
 3. Jawahar Prasad Son of Late Ramchandra Singh Resident of Argara Chowk, P.O. Purnea Chowk, P.S. Madhubani T.O.P. (Khazanchi Haat), Dist- Purnea, Bihar- 854303.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
3. The District Magistrate, Purnea, Bihar.
4. The Deputy Development Commissioner, Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Nishant Kumar Sinha, Advocate.
For the Respondent/s : Mr. Saroj Kumar, AC to GP-7.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 10-08-2023

Heard Mr. Nishant Kumar Sinha, learned counsel appearing on behalf of the petitioner and Mr. Saroj Kumar, learned AC to GP-7.

2. Vide order dated 31.07.2023, the District Provident Fund Officer, Purnea was directed to make payment of entire amount of G.P.F. to the petitioner and in compliance of the said order, it has been informed by Mr. Saroj Kumar, learned AC to GP-7 that in spite of being informed, the District Provident Fund Officer, Purnea has not responded to provide any instruction.

3. Considering the deliberate inaction on the part of



the District Provident Fund Officer, Purnea, by way of last indulgence, he must ensure to make payment of entire amount of G.P.F. to the petitioner in accordance with the calculation made for the said purpose showing applicable rate of interest on account of delayed payment for the relevant financial years during which contributions were made.

4. The petitioner seeks to file a detailed representation giving details relating to contribution made year wise as well as applicable rate of interest for concerned financial year on account of delay in making payment of G.P.F. amount. The District Provident Fund Officer, Purnea must ensure to make payment at the rate of 18.5% taking into consideration that payments were not made to the petitioner in time. The law is well settled in this regard. The Apex Court in the case of **State of Kerala v. M. Padmanabhan Nair** reported in (1985) 1 SCC 429 and **D.D. Tewari v. Uttar Haryana Bijli** reported in (2014) 8 SCC 894 has laid down that when the employer delays the release of Pensionary benefits, it is bound to pay interest on account of the delay. The principle that the disbursement of pension and other retirement benefits should not be treated as a matter of bounty but are valuable rights and property and any delay in settlement or disbursement thereof must be



compensated with the penalty of payment of interest at the current market rate till actual payment to the employee.

5. The District Provident Fund Officer must ensure to make payment of remaining amount of G.P.F. after calculating interest at the applicable rate within a period of three weeks in accordance with law.

6. The writ application stand disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	16.08.2023
Transmission Date	N.A.

