IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12041 of 2021

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Kedar Prasad, Son of Late Sukhdeo Prasad, Resident of Village- Wasilpur, P.S.- Arwal, District- Arwal.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Government of Bihar, Patna.
2. The Director, Primary Education, Human Resources Department, Government of Bihar, Patna.
3. The District Magistrate, District- Arwal.
4. The District Education Officer, District- Arwal.
5. The Block Education Officer, Block- Arwal, District- Arwal.
6. The Provident Fund Commissioner, Bihar, Patna.
7. The Assistant Commissioner, Provident Fund Directorate Pant Bhawan, Patna, Bihar.
8. The Director, Provident Fund Bihar, Directorate, Patna.
9. The District Provident Fund Officer, District- Arwal.
10. The District Provident Fund Officer, District- Jehanabad.

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Advocate
For the Respondent/s : Mr. Madhaw Pd. Yadaw, GP- 23

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 05-12-2024

Heard Mr. Arvind Prasad Singh, learned Advocate for the petitioner and Mr. Madhaw Prasad Yadaw, learned Advocate for the State.

2. The petitioner is aggrieved with the order dated 10.09.2020, passed by the District Provident Fund Officer, Jehanabad, whereby the representation filed by the petitioner in pursuant to the order of this Court dated 09.04.2020, passed in

C.W.J.C. No. 18286 of 2017, has been rejected.

3. Learned Advocate for the petitioner contended that the petitioner superannuated on 31.07.2018 from the post of Headmaster, Middle School Umairabad, Block Arwal, District Arwal. After his superannuation, the petitioner has been paid all his admissible retiral dues, including pension, but on account of erroneous calculation in the Provident fund, the petitioner has been paid only Rs.7,15,048/-, which is much less to the calculation done by the petitioner through the accountant. In support of the contention, as aforenoted, the petitioner averred in para. 15, as follows:

> *"15. That the interest has not been calculated in G.P.F. properly of the petitioner and on the basis of wrong calculation G.P.F. has been paid to the petitioner.*
>
> *The petitioner has calculated interest in G.P.F. amount should be pay as follows:-*
>
> *In year 1976-77 the interest should be pay on G.P.G. amount of the petitioner 7.5 percent. In year 77-78, 78-79 and in year 79-80 the interest should be pay on G.P.F. of the petitioner 8% in year 80-81, 81-82, 82-83, 83-84, 84-85, the interest should be pay 10% on G.R.P. amount of the petitioner, Year 85-86 to year 2004-2005 the interest should be pay 12.5% on*

G.P.F. amount of the petitioner and in year 2005-2006 to 2007-2008 the interest should be pay on G.P.F. amount of the petitioner 9.75% but on the basis of wrong calculation of interest on G.P.F. amount of the petitioner respondents have not paid correct amount to the petitioner of his G.P.F. amount"

4. At this juncture, learned Advocate for the State submits that the matter relates to calculation of interest over the G.P.F. amount, it would be proper that if the petitioner approach before the Director, Provident Fund, Bihar, Patna, who shall consider the claim of the petitioner irrespective of the fact that the claim of the petitioner came to be rejected by the impugned order dated 10.09.2020, passed by the District Provident Fund Officer, Jehanabad.

5. In view of the submissions advanced on behalf of learned Advocate for the respective parties and taking note of the nature of the relief relating to accounting only, this Court thinks it apt and proper to dispose off the writ petition with a liberty to the petitioner to assail the impugned order dated 10.09.2020, passed by the District Provident Fund Officer, Jehanabad, before the Director, Provident Fund, Bihar within a period of four weeks from today.

6. In case, such an application is filed by the

petitioner along with the calculation chart of GPF, the same shall be considered and disposed of by the respondent no.8 by passing a reasoned and speaking order preferably within a further period of twelve weeks from the date of receipt of such application.

7. Suffice it to observe that in case the claim of the petitioner finds favour, necessary consequential benefits must be accorded to him within the period stipulated hereinabove.

8. The writ petition stands disposed off.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.12.2024
Transmission Date	NA