

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.164 of 2021

In
Letters Patent Appeal No.32 of 2021

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1. The Central Board of Trustees, Employees Provident Fund Organization through the Regional Provident Fund Commissioner-II (Legal), Employees Provident Fund Organization, Regional Office, R. Block, Road No.6, P.S.- Sachivalaya, District- Patna.
 2. The Central Provident Fund Commissioner, New Delhi.
 3. The Regional Provident Fund Commissioner, Employees Provident Fund, Bhavishya Nidhi Bhavan, R. Block, Road No.6, Patna- 800001.

... .. Petitioners.

Versus

1. Satyendra Narayan Sinha, Son of Late Babu Lal Sinha, Resident of Village- Khabhaini, P.S.- Arwal, District- Arwal, Date of retirement 31-08-2000, as Accountant, Patna Division of B.S.R.T.C., EPF No. A/C 282.
2. Upendra Narayan Patel, Son of Late Babu Lal Sinha, Resident of Village- Khabhaini, P.S.- Arwal, District- Arwal, Date of retirement 30-06-2007, as Accountant, Head Quarter of B.S.R.T.C., EPF No. A/C 445.
3. Salauddin Khan, Son of Late Peer Mohand Khan, Resident of Motha, P.S.- Arwal, District- Arwal, Date of retirement 30-06-2012, as Clerk, Jehanabad Depot, B.S.R.T.C., EPF No. not available.
4. Lal Deo Pd. Sinha, Son of Late Ram Lal Sinha, Resident of Village- Sukhi Bigha, Sanwan Baidrbad, P.S.-Arwal, District- Arwal, Date of retirement 31-01-2003, as Clerk, Jehanabad Depot, Division Gaya, B.S.R.T.C., EPF No. not available.
5. Surti Devi, W/o Late Ram Keshwar Sao, Resident of Village- Prasadi English Dest, P.S.- Arwal, District- Arwal, Date of retirement 31-01-2001, as Clerk, Paliganj Depot, Patna Division of B.S.R.T.C., EPF No. not available.
6. Bhikhari Ram, Son of Late Bhageran Ram, Resident of Village- Aslampur, P.S.- Arwal, District- Arwal, Date of retirement 31-07-2008, as Senior Store Keeper, Central Store Phulwari, Patna B.S.R.T.C., EPF No. not available.
7. Raghubir Singh, Son of Late Ram Bhawan Singh, Resident of Village- Nonia Bigha P.O.- Phakharpur, P.S.-Arwal, District- Arwal, Date of retirement 28-02-2001, as Traffic Inspector, Muzaffarpur Division of B.S.R.T.C., EPF No. not available.
8. Sheo Janam Singh, Son of Late Sita Singh, Resident of Village- Bajitpur, P.O.-Sarwan, P.S.- Arwal, District- Arwal, Date of retirement 30-04-2009, as Clerk, Jehanabad Depot, Division Gaya, B.S.R.T.C., EPF No. not available.
9. Md. Hatim, Son of Vajul Hak Ansari, Resident of Village- Prasadi English, P.O.- Prasadi English Sonbarsa, P.S.- Arwal, District- Arwal, Date of retirement 30-11-2012, as Driver, Head Office, Patna Division of B.S.R.T.C., EPF No. not available.
10. Kapil Deo Singh, Son of Late Devki Nandan Singh, Resident of Village- Prasadi English, P.O.- Prasadi English, P.S.- Arwal, District- Arwal, Date of retirement 31-12-1991, as Conductor, Jehanabad Depot, Gaya, Division of



B.S.R.T.C., EPF No. not available.

11. Tuni Devi, W/o Kishori Prajapati, Resident of Village- 9 no. Pool, Ward No. 9, P.O. and P.S.-Arwal, District- Arwal, Date of retirement 31-01-2013, as Khashi (Husbad), Jehanabad Depot, Gaya Division B.S.R.T.C., EPF No. not available.
12. Mathura Chaudhar, S/o Late Ram Buich Chaudhary, Resident of Village- Malhipatti, P.O.- Baidrabad, P.S.- Arwal, District- Arwal, Date of retirement 31-01-2013, as Store Keeper, Jehanabad Depot, Gaya Division of B.S.R.T.C., EPF No. not available
13. Rameshwar Singh, Son of Late Chandrmo Singh, Resident of Village- Noniabigha, P.O. Fakharpur, P.S.- Arwal, District- Arwal, Date of retirement 31-07-2011, as T.C. Jehanabad Depot, Gaya Division of B.S.R.T.C., EPF No. not available.
14. Ram Pravesh Sharma, Son of Sakaldeep Sharma, Resident of Village- Gandhar, P.O. Bandhuganj, P.S.- Ghosi, District- Jehanabad, date of retirement 31-06-2013, as T.C. Jehanabad Depot, Gaya Division of B.S.R.T.C., EPF No. not available.
15. Ganesh Zamadar, Son of Sonu Zamadar, Resident of Village- Khiroatgarh, P.O. Karma, P.S.- Ghosi, District- Jehanabad, Date of retirement 30-11-2011, as Conductor, Jehanabad Depot, Gaya Division of B.S.R.T.C., EPF No. not available.
16. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
17. The Principal Secretary, Transport Department, Patna, Bihar.
18. The Bihar State Road Transport Corporation through the Administrator, Beerchand Patel Marg, Patna, Bihar.
19. The Administrator, BSRTC, Beerchand Patel Marg, Patna, Bihar.
20. The Chief Accounts Officer, BSRTC, Beerchand Patel Marg, Patna.

... .. Opposite Parties.

Appearance :

For the Petitioners	:	Mr. Rajiv Kumar Verma, Senior Advocate. Mr. Prashant Sinha, Advocate.
For the State	:	Mr. Naman Nayak AC to AAG-13.
For BSRTC	:	Mr. P.K. Verma, Senior Advocate. Dr. Anand Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 31-07-2024

Core issue involved in the present lis is whether the private respondents are entitled to interest on belated settlement



of family pension or not?

2. Mr. Rajiv Kumar Verma, learned Senior counsel for the petitioners, on instructions submitted that family pension is governed the Scheme called “The Employees’ Family Pension Scheme, 1971 and it was notified on 04.03.1971. Such Scheme does not provide for payment of interest on belated settlement of family pension.

3. At this stage, learned counsel for the petitioners submitted that paragraph-32 of the “The Employees’ Family Pension Scheme, 1971, is in respect of retirement-cum-withdrawal benefits. The same shall be paid with reference to the table. In this paragraph, payment of interest with reference to paragraph-32 is not forthcoming. Therefore, private respondents are not entitled to interest on belated settlement in the light of paragraph-32 of the “The Employees’ Family Pension Scheme, 1971.

4. The same cannot be appreciated even if “The Employees’ Family Pension Scheme, 1971, is silent in respect of belated settlement of any monetary benefit to the legal heirs of the deceased employees. In such circumstances, invariably interest is required to be paid. In this regard, we have taken note of decision of the Hon’ble Supreme Court in the case of



Vijay L. Mehrotra Versus State of Uttar Pradesh and others,
reported in **(2001) 9 SCC 687**. It is a very short Judgment.
Therefore, we are reproducing the Judgment and it read as
under:

“1. Special leave granted, limited to the question of
granting of interest.

2. The appellant retired from service on 31-8-1997. From the response filed by the respondent, it is clear that most of the payments of the retiral benefits to her were made long after she retired on 31-8-1997. The details of the payments so made are as under:

Sl. No.	Particulars	Amount paid	Date
(i)	GPF 90%	Rs 1,80,899.00	27-11-1997
(ii)	GPF 10%	Rs 20,751.00	25-4-1998
(iii)	GIS	Rs 13,379.00	27-2-1998
(iv)	Encashment of leave	Rs 41,358.00	27-9-1998
(v)	Arrears of pay	Rs 15,495.00	27-9-1998
(vi)	Gratuity	Rs 1,09,753.00	5-12-1998
(vii)	Commutated pension	Rs 20,484.00	5-12-1998
(viii)	Detained amount	Rs 45,000.00	5-11-1999

3. In case of an employee retiring after having rendered service, it is expected that all the payment of the retiral benefits should be paid on the date of retirement or soon thereafter if for some unforeseen circumstances the payments



could not be made on the date of retirement.

4. In this case, there is absolutely no reason or justification for not making the payments for months together. We, therefore, direct the respondent to pay to the appellant within 12 weeks from today simple interest at the rate of 18 percent with effect from the date of her retirement, i.e., 31-8-1997 till the date of payments.

5. The appeal is allowed to the above extent.”

Underline supplied.

5. Taking note of the aforementioned principle laid down by the Hon’ble Supreme Court, the review petitioners have not made out a case so as to review the order dated 06.09.2021 passed in L.P.A. No.32 of 2021.

6. Accordingly, the present Civil Review stands dismissed with cost of Rs.5000/- Cost shall be paid to the private respondents within a period of eight weeks from the date of receipt of this order.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.08.2024.
Transmission Date	NA

