

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17427 of 2023

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1. Rajiv Kumar Choudhary Son of Late Radhey Shyam Choudhary, Resident of Nichladih, Charkanwa, Aurangabad (Bihar), PIN-824125.
 2. Masomat Mado, Wife of Late Ramdhani Jayswal, Resident of Orey, Hazaribagh, (Jharkhand), PIN-825301.
 3. Rakhohari Goswami, Son of Late Ram Bhushan Goswami, Resident of Khilkanali. Bhitia, Dhanbad (Jharkhand), PIN-828109.
 4. Suresh Kamat, Son of Late Bhutay Kamat, Resident of Bardaha, Goth, Bardaha, Madhepura (Bihar), Pin- 852202.

... .. Petitioners

Versus

1. The State of Bihar through the Secretary, Transport Department, Government of Bihar, Patna.
2. The Administrator, Bihar State Road Transport Corporation, Pariwahan Bhawan, Birchand Patel Marg, Patna.
3. The Regional Provident Fund Commissioner, EPF Office, R. Block, Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Sameer Ranjan, Advocate
For the State	:	Ms. Sita Ram Yadav, G.P. 16
		Mr. Yatin Narayan, AC to GP-16
For the Respondent No. 3 :		Mr. Madhav Krishna, Advocate
For the Respondent No. 2 :		Mr. Dr. Anand Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 19-01-2024 Heard Mr. Sameer Ranjan, learned counsel appearing on behalf of the petitioners, Mr. Yatin Narayan, learned AC to G.P.-16 appearing on behalf of the State, Mr. Madhav Krishna, learned counsel appearing on behalf of the E.P.F.O. and Dr. Anand Kumar, learned counsel appearing on behalf of the B.S.R.T.C.

2. The petitioners, are retired employees of the Bihar State Road Transport Corporation, have filed the present writ



petition seeking a direction upon the respondent to ensure payment of interest on delayed payment of CPF amount up to the date of actual payment.

3. It is submitted on behalf of the petitioners that petitioners have only been accorded the interest on the C.P.F. amount up to 2010, ignoring the interest for the period, up to 2016-2017. Further, reliance has also been made on a judgment rendered by this Court in the case of **Sada Nand Jha and Ors. Vs. Bihar State Road Transport Corporation** in **C.W.J.C. No. 9207 of 2012** wherein this Court has held that the retired employees have a right to claim and receive interest on delayed refund of their C.P.F. accumulation with full interest.

4. At this stage, learned counsel for the E.P.F.O. submits that from the records it is evident that till date no such claim has been made before the establishment and in absence thereof, the present writ petition seeking a writ of mandamus is not maintainable.

5. Considering the submissions advanced on behalf of the parties and the nature of dispute, the writ petition stands disposed of with the liberty to the petitioners to file an appropriate representation before the respondent no.2 preferably within a period of four weeks from today.



6. In case such a representation is filed by the petitioners within the stipulated period, the respondent No. 2 shall consider and dispose of the same by a reasoned and speaking order.

7. Needless to observe that in case the petitioners shall be found entitled for any interest over the delayed payment of C.P.F., the same must be paid within the stipulated period.

8. This writ application stands disposed of.

(Harish Kumar, J)

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