(2009) 04 JH CK 0095

In the Jharkhand High Court

Kunj Bihari Singh APPELLANT

Vs

State of Jharkhand and Others RESPONDENT

Date of Decision : 01-04-2009

Acts Referred:

Citation : (2009) 04 JH CK 0095

Hon'ble Judges : Dabbiru Ganeshrao Patnaik, J

Bench : Single Bench

Judgement

D.G.R. Patnaik, J.—The petitioner having served in the Education Department, has superannuated from service in the year 1999 while working in the territory of Jharkhand.

2. From the statements made in the writ petition, it appears that pursuant to the direction contained in the notification issued by the Government, arrears of salary of the petitioner and other teachers like him, which was payable for the period 1.1.1971 to 31.3.1973, was deposited by the State of Bihar in the GPF accounts of the respective teachers. Upon such deposit having being made, the amount of deposit together with interest which accrued thereon was payable to the petitioner by way of his retiral benefits.

3. The grievance of the petitioner is that though the retiral benefit including the aforesaid deposited amount has been paid to the petitioner, but the interest which accrued on the deposited amount of arrears of salary, has not been calculated at the rates; declared as per the resolutions adopted from time to time by the then State of Bihar.

4. The petitioner in his writ petition his referred to various resolutions in which the rates of interest has been stipulated. The demand of the petitioner is that the respondents should pa)'' the amount of interest by making calculation at the rates stipulated by the Government in its various resolutions issued from time to time.

5. Referring to a Division Bench judgment of this Court in the Case of Hare Ram

Pandey v. State of Jharkhand LPA No. 651 of 2002, learned Counsel for the petitioner submits that this issue has been finally settled and it has been declared that the employees are entitled to the payment of interest on the amount of deposit made in the respective GPF accounts of the employees concerned.

6. Learned counsel for the State is present.

7. Though no counter affidavit has been filed, yet even as per the annexures to the writ petition, it is apparent that the arrears of salary payable to the petitioner for the period aforesaid, was deposited in the GPF account of the petitioner and it also appears that the amount deposited in the GPF account was paid to the petit oner after his retirement. The claim of the petitioner is for payment of interest which has not been paid on the amount which remained in deposit during the entire period.

8. Considering the above facts and circumstances, authorities of the respondent namely the Dist Superintendent of Education and the District General Provident Fund Officer are directed to assess the amount of interest payable on the amount of deposit made in the GPF account of the petitioner, in accordance with the rate stipulated by the Government in its various resolutions as indicated in the writ petition of the petitioner. Upon making such assessment, the respondent authorities shall communicate their decision on the petitioner''s claim effectively to the petitioner and if on assessment, any amount is found payable, then within one month from the date of their decision on the issue, shall release payment to the petitioner. The entire exercise must be completed within three months from the date of receipt of a copy of this order.

9. To facilitate matters, the petitioner shall submit a fresh representation along with a copy of the order before the concerned authorities of the respondent Dist Superintendent of Education.

