
(2006) 12 JH CK 0012
In the Jharkhand High Court

Lal Bahadur Singh Ashant and Others	APPELLANT
Vs	
State of Jharkhand and Others	RESPONDENT

Date of Decision : 04-12-2006

Acts Referred:

Citation : (2007) 1 JCR 514

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Ramesh Kumar Merathia, J.—Heard the parties.

2. The petitioners, who are the retired Teachers of the Government Elementary School are claiming statutory interest on arrears of pay from 1.1.1971 to 31.3.1973 and on their G.P.F. amount from 30.11.1976 till November 1985.

3. Mr. Dubey, learned Counsel for the petitioners relied on the order dated April 30, 2003 passed by the Division Bench in L.P.A. No. 651 of 2002 Hare Ram Pandey v. State of Jharkhand and Ors.

4. In the case of Hare Ram Pandey (supra), this Court found as follows:

In the year 1973, the Government had taken a decision to deposit the amount of arrears of salary of the teachers from 1.1.1971 to 31.03.1973 in their provident fund account. If such arrears were deposited in 1973, the appellant would have earned statutory interest thereon prescribed for the provident fund account. For such default on the part of the authorities, the appellant cannot be made to suffer, and he is entitled to get statutory interest treating the amount of arrears of salary for the said period as part of the provident fund amount for the period from 1.4.1973 till his date of retirement.

5. The State of Jharkhand moved Supreme Court against the said order but the SLP was dismissed in limine. Thus the petitioners' case with regard to statutory interest on arrears on their salary from 1.1.1971 to 31.3.1973 is fully covered by

the order passed in the case of Hare Ram Pandey (supra).

6. So far as the second claim is concerned, it is admitted in the counter affidavit that the contribution of the petitioners in the provident fund up to November, 1976 was deposited in the Government Treasury in G.P.F. Head in November, 1985. There is no explanation as to why there was such long delay in deposit of the said amount. On the same analogy of the case of Hare Ram Pandey (supra), the petitioners are entitled to statutory interest from November, 1976 to November, 1985. Had the contribution of the petitioners to the provident fund up to November, 1976 been deposited in the Government Treasury without any delay, the petitioners would have earned statutory interest thereon as well. The petitioners cannot be made to suffer for the delay caused by the respondents in depositing the amount of provident fund of the petitioners.

7. In the Circumstances, the respondents are directed to pay to the petitioners- statutory Interest in accordance with law (i) on arrears of salary from 1.4.1973 till their respective dates of retirement; and (ii) on the amount of G.P.F. from November, 1976 to November, 1985, alongwith details of calculation, within three months from the date of receipt/production of a copy of this order.

8. With these directions, this Writ Petition is allowed. However, there will be, no order as to costs.