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**(2010) 11 PAT CK 0091**  
**In the Patna High Court**  
**Case No : MJC No. 2451 of 2008**

Mahendra Prasad Singh @ Mahendra Singh APPELLANT  
Vs  
The State of Bihar and Others RESPONDENT

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**Date of Decision :** 16-11-2010

**Acts Referred:**

Bihar Pension Rules, 1950 — Rule 46

**Citation :** (2011) 1 PLJR 554

**Hon'ble Judges :** Samarendra Pratap Singh, J

**Bench :** Single Bench

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## Judgement

Samarendra Pratap Singh, J.—Heard counsel for the Petitioner, State of Jharkhand, State of Bihar as well as on behalf of counsel for the Accountant General, Bihar.

2. The Petitioner was discharged/removed pursuant to initiation of disciplinary proceeding prior to 1980. Rule 46 of the Bihar Pension Rules, 1950 deprives pension to a Government servant, who has been dismissed/removed from service.

3. The Petitioner filed C.W.J.C. No. 8260 of 2002 for payment of retirement benefit. This Court while dismissing the writ application made direction for payment of G.P.F. amount. Paragraph 4 of the order is quoted hereinbelow:

4. In the event G.P.F. amount has not been paid, the same must reach the Petitioner within three months from today together with statutory interest until the date of payment. The liability of G.P.F. payment is of course, upon the State of Bihar.

4. As per the order passed in writ application, the Petitioner would be entitled for payment of interest till the time the principal amount was not paid, as such the authorities are liable to pay statutory interest on the G.P.F. amount from the date of discharge till the date of its payment.

5. Counsel for State of Jharkhand submits that the liability to make payment of retirement benefit to persons, who have retired prior to 15.11.2000, would be on State of Bihar.

6. Mr. Rajgriha, learned Counsel appearing for the Accountant General submits that the Petitioner was discharged while he was serving at Daltonganj, Palamau. He further submits that the G.P.F. balance was sent to the District Provident Officer, Daltonganj, Palamau. He further submits that though the payment is to be made by the State of Bihar, the same is to be actually paid by the State of Jharkhand, as the G.P.F. amount was already remitted to District Provident Fund Officer, Daltonganj, Palamau.

7. In the contempt application, this Court is to go by the direction contained in the order itself. This Court has held that liability of G.P.F. payment is upon the State of Bihar.

8. The principal amount of G.P.F. has already been paid to the Petitioner and only interest remains to be paid. This Court directs the authorities concerned to accord sanction and make payment of statutory interest preferably within a period of four months from the date of receipt/production of a copy of this order, till the date, the principal amount was paid. It will be open for the State of Bihar to claim the amount it has transferred to Jharkhand State, so far as provident fund is concerned.

9. With the aforesaid direction, this application is disposed of.