
(2002) 11 PAT CK 0034
In the Patna High Court
Case No : C.W.J.C. No. 9601 of 2002

Mohan Lal Chaturvedi

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 29-11-2002

Acts Referred:

Citation : (2003) 51 BLJR 102 : (2003) 1 PLJR 169

Hon'ble Judges : R.M. Prasad, J

Bench : Single Bench

Advocate : Arvind Saroj, Shyam Kishore Sharma, Addl. SCCG, for the Appellant;
R.P. Bhagat, GP IV, for the Respondent

Final Decision : Allowed

Judgement

R.M. Prasad, J.—The father of the petitioner retired from the service of the State Government on 31-12-1987 while posted as District Welfare Officer and died on 24-2-2001. As the petitioner was not paid arrears of salary, family pension and other retrial dues, including G.P.F. for almost 15 years, he filed the present writ petition seeking direction to the appropriate authorities for payment of his dues.

2. After hectic efforts, it seems that the authorities have sanctioned the dues, including the G.P.F., but on G.P.F. statutory interest up to June, 1988 has only been paid and not up to the date of payment.

3. From the counter affidavit filed oh behalf to the District Provident Fund Officer, it appears that the delay in payment of the provident fund dues of the father of the petitioner was on account of non-availability of deduction statements, including B.T. up to the period 1981-82 sent by the Accountant General. It is, however, stated that as per the Finance Department's Notification No. M/88/3373 dated 6-5-1988, a guideline has been given that after retirement if no withdrawal application is received within six months, then in that case interest will be allowed only for six months from the date of retirement and if the withdrawal application has been submitted within that period and if any delay is

caused, the account holder will be entitled for up-to-date statutory interest, According to the District Provident Officer, in this case the withdrawal application was received by the deponent only on 7-11-2002, which has been signed by the Secretary, Welfare Officer on 5-11-2002 itself. Hence, interest after June, 1988 has not been allowed.

4. This Court is surprised to find that such plea is taken despite repeated decisions/directions of this Court that such plea is not tenable and a person cannot be deprived of the statutory interest for the period during which G.P.F. amount was retained by the State authorities. On detailed consideration, this Court in the case of Bidya Devi v. State of Bihar, reported in 2001(1) PUR 626, has held that it is the responsibility of the head of the office to get the necessary formalities completed and forward it to the concerned authority for release of the G.P.F. amount This view has not been set aside so far and the authorities also in compliance of the said view in most of the cases have been producing authorisation with up-to-date statutory interest without going into any further controversy.

5. This fact was brought to the notice of the District Provident Fund Officer on 15th November, 2002 and on the request made on his behalf, this Court vide order dated 15-11-2002 granted one more indulgence to enable him to produce the necessary sanction order with respect to the remaining statutory interest, but till date he has not bothered to comply with the said order.

6. It is not the case of the respondents that the concerned authority had taken all necessary steps as per the provisions contained in the Bihar Pension Rules for payment of the retiral dues of the father of the petitioner well in advance by getting the so-called formalities completed by him.

7. In my opinion, it is the duty of the respondents to collect the deduction statements from various places as the authorities are the custodian of the record as well as the service book and they are expected to be fully aware of various postings and deductions made for the G. P. F. account. It is also not the case of the respondents that the calculation was made and the Bank draft/cheque was prepared in the name of the father of the petitioner for payment of his provident fund dues on the date of retirement. Moreover, the due amount was kept withheld by the authorities of the State and under such circumstances, in my opinion, there cannot be any justification to deny the interest up to the date of payment of the said amount.

8. In the facts and circumstances of the present case, in my opinion, the petitioner is entitled for up-to-date statutory interest on the provident fund amount and also a cost of Rs. 2,000 (two thousand) to be paid by the District Provident Fund Officer from his own pocket as despite law being settled and indulgence granted to him, he has not bothered to come with the authorisation.

9. The writ application is, accordingly, allowed and the District Provident Fund Officer, Bhojpur, Ara is directed to issue authorisation for the remaining statutory

interest and pay the aforementioned amount of cost to the petitioner within one week of the receipt/production of a copy of this order, failing which the petitioner will be at liberty to file two pages affidavit for appropriate action against him.