(2007) 05 PAT CK 0126

In the Patna High Court

Case No : LPA No. 45 of 1998

Panchanan Bharti Prabhakar APPELLANT

Vs

The State of Bihar and Others RESPONDENT

Date of Decision : 03-05-2007

Acts Referred:

Citation : (2008) 1 PLJR 518

Hon'ble Judges : Navaniti Pd. Singh, J;Barin Ghosh, J

Bench : Division Bench

Advocate : Ravindra Kumar and Ajay Kumar Thakur, for the Appellant;

Final Decision : Dismissed

Judgement

Barin Ghosh and Navaniti Pd. Singh, JJ.—Heard learned counsel for the parties. The Government in a circular held out to its employees that if they contribute 15% of their salary in their respective Provident Fund Accounts, their credits in the Provident Fund Accounts will carry interest at the rate of 12% per annum. That made it abundantly clear that if 15% at least of the salary is not so contributed, the contribution will not carry interest @12% per annum. In order to ensure that 15% of the salary is being deposited in Provident Fund Account, an employee could issue standing instruction to that effect or could ensure the same by giving periodical instruction. In the instant case, it is not the contention of the appellant that any such standing instruction had been given by the appellant-writ petitioner. The logical conclusion would be that he had given periodical instructions. The fact remains that upto a certain date 15% contribution was made to Provident Fund Account and thereupon after revision of pay, the contribution slipped below 15%. For the period the contribution was less than 15%, interest @ 12% has not been paid and with this grievance, the petitioner approached the Writ Court. The Writ Petition having been dismissed, the present Appeal has been preferred.

2. Inasmuch as the contributions were not in accordance with the Government

circular, for payment of interest, as the Writ Court did not interfere, so we also would not interfere and accordingly advise ourselves to dismiss the appeal. Accordingly the appeal stands dismissed.

