

(2003) 08 PAT CK 0126
In the Patna High Court
Case No : C.W.J.C. No. 4248 of 2003

Smt. Bimala Devi and Sri Rajendra Jha	APPELLANT
Vs	
The State of Bihar and Others	RESPONDENT

Date of Decision : 04-08-2003

Acts Referred:

Citation : (2004) 2 PLJR 63

Hon'ble Judges : Radha Mohan Prasad, J

Bench : Single Bench

Advocate : M.P. Shukla and B.K. Jha, for the Appellant; Ashok Kumar Singh and S.S. Mishra for State, for the Respondent

Judgement

Radha Mohan Prasad, J.—As in these two writ petitions, the question involved is common, with consent of parties, they have been heard together for final disposal by this common order.

2. The Petitioners of both the writ petitions, who retired as Assistant Teachers from different Schools under the District Superintendent of Education, Madhubani, are aggrieved on account of non-release of their G.P.F. amount from November, 1976 with up-to-date statutory interest.

3. From the facts it appears that there was gross negligence on the part of the authorities in not depositing the outstanding balance of provident fund amounts of the Petitioners in the Government Treasury after take over of the Schools by the Government.

4. Earlier the Secretary, Primary Education, Government of Bihar personally appeared on 22.7.2003 and sought for time to enable him to enquire into the matter to find out as to whether the fund deposited in the contributory provident fund accounts of the Petitioners was diverted or deposited in the concerned account as per the Government decision, contained in Annexure 1.

5. Today, the Secretary, Primary Education and the District Superintendent of

Education, Madhubani have personally appeared and produced the office order relating to the Petitioners, from perusal whereof it appears that the outstanding balance in the contributory provident fund remained in deposit with the Post Office till 15th April, 2003 and it was only on 15th April, 2003 that the amount was transferred in the G.P.F. account of the Petitioners. This resulted in deprivation of the statutory interest of G.P.F. as admissible from November, 1976 till 15th April, 2003.

6. Learned State Counsel has produced office order with respect to both the Petitioners issued by the District Superintendent of Education, Madhubani on 2nd August, 2003 and Bank draft for the amount as has been found payable to the Petitioners of both the writ petitions.

7. The said office order shows that the interest till 15th April, 2003 has been calculated as accrued on the deposit in the Post Office and not the statutory interest admissible on G.P.F.

8. Under such circumstances, in my opinion, the Petitioners cannot be denied of the statutory interest on G.P.F. admissible to them after the take over of the Schools by the Government by an ordinance. However, the aforementioned facts of the case shows gross negligence on the part of the State authorities. The D.S.E. ought to have taken prompt steps to rectify the error committed earlier.

9. Under such circumstances, this Court finds it to be a fit case for awarding a cost of Rs. 1,000/- (one thousand) to be paid by the D.S.E. to each of the Petitioners and a receipt in token thereof must be. filed in this Court within a week.

10. Both the writ petitions are disposed of with a direction to the Secretary to ensure payment of the remaining amount of statutory interest for the aforementioned period to the Petitioner within two weeks, failing which he shall be liable to pay a further cost of Rs. 1,000/- (one thousand) from his pocket to each of the Petitioners.

11. In the facts and circumstances, as prayed by the learned State Counsel, the Secretary is given liberty to initiate action against the erring officials and realise the remaining amount of statutory interest as well as cost awarded against the D.S.E. if the present D.S.E. is not at fault.

12. The drafts and the office orders produced today have been handed over to the learned Counsel for the Petitioners.

13. As prayed by the learned Standing Counsel, No. III, let a copy of this order be supplied to him.