

(2011) 07 JH CK 0069

Jharkhand High Court

Case No: L.P.A. No. 496 of 2010

Saryug Singh

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision: July 11, 2011

Citation: (2011) 4 JCR 127

Hon'ble Judges: Prakash Tattia, Acting C.J.; Jaya Roy, J

Bench: Division Bench

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

1. By the Court--Heard the counsel for the parties.
2. The appellant's claim is that he was entitled to revised pay-scale for the period from 1.1.1971 to 31.3.1973 and in fact the principle amount was paid to the appellant on 25.9.2004 and that amount paid to the petitioner-appellant was Rs. 3,462/-.
3. It is submitted that it was a Government decision to deposit the said amount in the Provident Fund Account so that the amount may be paid to the employee with interest payable on Provident Fund at the time of retirement. The petitioner was paid the principle amount, but he has not been paid the interest thereon. It is submitted that in identical facts and circumstance a Division Bench of this Court in the Case of Hare Ram Pandey v. State of Jharkhand, in L.P.A. No. 651 of 2002 observed that- it was the duty of the State to pay the interest and because of the default committed by the State, the employee cannot be made to suffer.
4. The counsel for the appellant submitted that in spite of Division Bench judgment of this Court in Hare Ram Pandey's case, the learned single Judge dismissed the petitioner-appellant's writ petition on the ground of delay.

5. In the facts and circumstances of the case, the State has not suffered any loss because of the delay and the petitioner-appellant's amount has been deposited in the G.P.F. account and hence, that amount carries the interest. Therefore, in the light of the judgment dated 30.4.2003 passed in Hare Ram Pandey's case same directions are issued that the appellant shall be entitled to get the amount of statutory interest treating the aforesaid amount of Rs. 3,462/-as part of his provident fund. The appellant, therefore, will be entitled for the interest for the period from 1.4.1971 to 25.9.2004. the date on which the principle amount was paid to the petitioner-appellant.

6. Accordingly, the L.P.A. is allowed and the order passed by the learned single Judge is hereby set-aside in view of the reasons given above.