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**(2002) 10 JH CK 0011**

**Jharkhand High Court**

**Case No:** C.W.J.C. No. 806 of 2000 (R)

| | |
|---|---|
| Hare Ram Pandey | APPELLANT |
| Vs | |
| State of Bihar and Others | RESPONDENT |

**Date of Decision:** Oct. 11, 2002

**Citation:** (2003) 1 JCR 301

**Hon'ble Judges:** Tapen Sen, J

**Bench:** Single Bench

**Advocate:** J. Dubey, for the Appellant; Pradeep Modi, G.P.-1, for the Respondent

**Judgement**

Tapen Sen, J.
The prayer, made in the Writ Application was for a direction upon the respondents to pay General Provident Fund amount contributed by the petitioner for the period 1.1.1971 to February, 1986 together with statutory interest as well as penal interest till the date of payment and for payment of interest accrued towards difference of arrears of pay on account of the pay revision for the period 1.1.1971 to 31.3.1973. According to the petitioner, this amount has been diverted/deposited in the General Provident Fund Account and the same was paid to the petitioner much after his retirement in 1998 without interest.

2. From a perusal of the counter affidavit filed by the respondents it is apparent that the petitioner has been paid Rs. 1,95,034 towards General Provident Fund for the period March 1986 to November 1997 on 29.8.1998. It also appears that the petitioner was paid Rs. 10,750/- as the GPF amount with interest for the period January 1971 to November 1976 and again Rs. 29,193 for the period December 1976 to February, 1986.

3. From the counter affidavit it also appears that the entire GPF amount has been paid for the period January, 1971 till date of retirement i.e. up to 30.11,1997 totaling a sum of Rs. 2,34,978/-.

4. The respondents have also stated that after recalculation of interest on the GPF amount the authority slip for a further sum of Rs. 60,655/- was also paid to the petitioner. It has also been stated in the Counter Affidavit that a sum of Rs. 8897/-was found payable towards interest and a Bank Draft for sum of Rs. 8867/- is ready for payment after adjusting Bank Commission of Rs. 30/-. However, they have stated that the petitioner is not receiving such payment despite several requests. According to the respondents, the Petitioner has been paid the entire GPF amount together with interest and no GPF amount is due before the Respondent No. 5. In short, the respondents have stated that they have paid the following sums :--

A. Towards GPF

| | | |
|---|---|---|
| (i) | Rs. | 1,95,035.00 |
| (ii) | Rs. | 0,29,193.00 |
| (iii) | Rs. | 0,10,750.00 |
| (iv) | Rs. | 0,60,655.00 |
| Total | Rs. | 2,95,633.00 |

B. Towards Interest

Rs. 8,867.00

which is said to be lying with the respondents for payment.

5. According to the respondents, so far as the difference of pay for the period 1.1.1971 to 31.3.1973 is concerned, the same is paid to Elementary School Teachers" after retirement and therefore, no interest is paid on it. However, they have stated that difference of pay amounting to Rs. 3,033 was sanctioned on 6.4.2000 and the same has been paid to the petitioner by depositing it in his Bank Account.

6. Mr. J. Dubey, learned counsel for the petitioner does not dispute the aforesaid contention. However, he states that since there has been unwarranted delay in making the payments, this Court should saddle the respondents with payment of further interest. He relies upon the judgments of this Court passed in the case of Baijnath Gupta v. State of Bihar and Ors., reported in 1991 (2) BLJR 410. He has also relied on other judgments in the case of Maya Devi v. State of Bihar, reported in 2000 (3) BLJR 128 as also the judgment of the Supreme Court in the case of State of Kerala and Ors. v. M. Padamanabhan Nair, in support of the contention that post retiral dues are valuable rights and any delay in settlement and/or disbursement should invite penal interest also.

7. From a perusal of the pleadings made, it appears there has certainly been some delay in releasing the amounts in as much as the petitioner superannuated on 30.11.1997 and some of the payments have been made in the years 1998-99 and 2000 and 2002 out of which some amounts as stated above have not been paid on account of the petitioner not

receiving the draft. However, in the interests of justice and the harassment caused to the petitioner, cost of Rs. 5,000/- is imposed which will also be paid to the petitioner.

8. With the aforementioned observations and directions this writ petition is disposed off. No order as to costs.