

Shyam Chandra Sinha Vs The State of Bihar and Others

Court: Patna High Court

Date of Decision: May 17, 2001

Citation: (2001) 3 PLJR 466

Hon'ble Judges: Radha Mohan Prasad, J

Bench: Single Bench

Advocate: Atul Kumar Pandey and Nityanand Mihsra, for the Appellant; Sitaram Mishra, for A.G. and Shrawan Kumar, for Board, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

Radha Mohan Prasad, J.

In pursuance of order dated 11.5.2001, Accountant General himself has appeared and explained the problem

being faced with respect to the balance transfer of G.P.F. amount while being maintained by his office prior to 1981-82. However, he has

produced the authority issued by the Assistant Director, Provident Fund Directorate, Finance Department, Governemnt of Bihar for payment of

the provident-fund amount as found payable for the period April, 1955 to November, 1970. The said authority is addressed to the Treasury

Officer, Sichai Bhavan. From the said authority, it appears that the Petitioner has been paid statutory interest only till June, 1991 i.e. for six months

after the date of his retirement. It is sumitted by the Accountant General that he has been informed by the Director, Provident Fund that the

application for withdrawal of G.P.F. amount was filed by the Petitioner only in July, 2000. As such, he has been paid interest only for the period

six months after his retirement.

The Director, Provident Fund has been made Respondent No. 3 in the present writ petition. No counter affidavit has been filed on his behalf.

2. This Court fails to appreciate as to how the statutory interest has been calculated only upto June, 1991. This Court has repeatedly held that

under the Pension Rules/Government Instructions the responsibility to get necessary formalities with respect to retiral dues completed is of the

sanctioning authority and if no step has been taken by the sanctioning authority in that direction the pensioner cannot be deprived of up-to-date

statutory interest of the G.P.F. amount which remained in the account of State. It is really unfortunate that the authorities are causing delay in

disposal of such claim. It is expected that the account of provident fund are maintained in the concerned offices of the State Government and they

have to simply complete the necessary calculation work and issue authority slip for the amount, but this Court is constrained to say that it is hardly

done in any case which has unnecessarily increased the number of pendency of the matter before this Court for such petty claims. If the authorities

of the State do not discharge their responsibility this Court does not find any justification keep the pensioner deprived of up-to-date statutory

interest, on G.P.F. particularly when the amount payable to the pensioner remained in the account of the State.

3. Accordingly, this writ petition is disposed of with a direction to the Director, Provident Fund to issue further authority for payment of the

remaining up-to-date statutory interest on the provident fund found payable to the Petitioner within a week of the receipt/production of a copy of

this order, failing which he shall not draw his salary and other allowances till the order is complied and shall also be liable to pay cost of Rs.

1,000/- to the Petitioner from his pocket.