

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5350 of 2016**

- Ankaloo S/o Late Jhadi, Aged About 62 Years Ex Trackman R/o Village Pare Wadih, Post Dumardih Khurd District Rajnandgaon Chhattisgarh

---- Petitioner**Versus**

1. Union Of India Through The General Manager, S.E.C. Railway, Bilaspur Zone, Zone Officer Bilaspur 495004
2. The Divisional Personnel Officer, S.E.C.Railway, Nagpur Division, D.R.M's Office Nagpur 440001
3. The Assistant Divisional Engineer, S.E.C. Railway, Dongargarh, District Rajnandgaon Chhattisgarh Pin - 491445

---- Respondents

For Petitioner	:	Shri BP Rao, Advocate
For Respondents	:	Shri Abhishek Sinha, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Shri Justice Anil Kumar Shukla

Order On Board By**Prashant Kumar Mishra, J****21/11/2016**

1. Petitioner's Original Application seeking finalization and release of all unpaid service dues as per punishment order dated 31-10-2009 like payment of PF, NGIS and 2/3rd gratuity from 5-11-2009 along with interest with 10% per annum has been partly allowed by the Central Administrative Tribunal holding that the petitioner is entitled to interest @ 8% per annum on the amount released towards retiral benefits from 1-11-13 till the date of actual disbursement.
2. It is argued that the petitioner being illiterate, the duty lies on the Staff

Welfare department of the respondent to have apprised the petitioner about the requirement of submitting required papers for finalization of pension which the said department failed, therefore, the petitioner is entitled for interest from 05-11-09.

3. Admittedly, the petitioner submitted his pension papers on 25-7-13. There is nothing on record as to what effort the petitioner made from 05-11-09 to 25-07-13 for getting his pension released. It was incumbent on the petitioner to have submitted his papers earlier by approaching the authorities in view of the clear stipulation in the order of punishment that he is entitled for sanction of two (2/3rd) compassionate allowance (Pensionary Benefits). It is not the respondents alone who are to be blamed for causing delay but the petitioner has contributed to the delay by not submitting papers or by not approaching the authorities immediately after 5-11-09 for getting his pension finalized. Guidelines for staff welfare to assist the employees in getting settlements and pensionary benefits is for employees who are retired on attaining the age of superannuation and not by way of penalty. Even otherwise, the duties assigned to staff welfare to assist the employees would not mean that if such steps were not taken then in all such cases, the employees would be entitled to interest on the amount of pension from the date it fell due. The provision has been made to assist the employees and is not for imposing any penal interest on the department. The provisions do not contemplate as to when the duties assigned to staff welfare department has not been complied with, what would be the consequences thereof. In any case, these are only guidelines, therefore, it would not bind the authorities to saddle it with payment of interest.
4. In the considered opinion of this Court, the Tribunal has not committed any such error of law or procedure while observing that the petitioner shall be

entitled to interest from 1-11-13 till the date of actual disbursement.

5. There is no substance in this petition. It fails and is hereby dismissed.

Sd/-

Judge
Prashant Kumar Mishra

Sd/-

Judge
Anil Kumar Shukla

Ashu