

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3850 of 2017

Smt. Kanaklata Nashine D/o S.K. Gupta, Aged About 80 Years Retd.
Teacher, R/o Subhash Ward Bhatapara, District Baloda Bazar Bhatapara,
Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Urbah Administration Department,
Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
2. Municipal Council, Bhatapara, Through The Chief Municipal Officer,
Bhatapara, District Baloda Bazar Bhatapara, Chhattisgarh.
3. The High Power Committee For Redressal Of Retired Employees Dues,
Specially Constituted Under Instruction Of The High Court Of Chhattisgarh,
Mantralaya, Naya Raipur, Chhattisgarh.
4. The Secretary, Department Of General Administration, Mantralaya,
Mahanadi Bhawan, Naya Raipur, Chhattisgarh. **---- Respondents**

For Petitioner	:	Mr. Ashok Soni, Advocate
For State	:	Mr. Avinash Singh, P.L.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

01/09/2017

Heard.

1. The only issue arising for consideration in this petition is with regard to payment and interest on delayed payment on pensionary benefits.
2. Having observed that despite clear directions of this Court to the pension committee to decide petitioner's pension case, interest has not been paid, the matter was directed to be listed in the week after next to show cause as to why appropriate orders for payment of interest has not been passed.
3. Learned State counsel again prays for adjournment.

4. Liability for payment of interest on delayed payment of pensionary benefit has been considered by the Supreme Court as well as by this Court. In the case of **A. Sulekha vs. N.A. Das and others, (2006) 13 SCC 399**, finding that there was delay in payment of pensionary benefits, it was held as relief was granted in following manner :

“6. In our opinion, since both the courts have concurrently held that the liability certificate ought not to have been issued, there was no reason for any delay in the payment of the appellant's retiral benefits. We are also not convinced that the appellant could have withdrawn the amount of retiral benefits without giving up her challenge to the deduction on account of an alleged liability towards the missing books. We are of the view that the appellant had just cause to claim interest from the respondent College. Were it not for the illegality committed by the respondent College, the issues of delay and payment of interest would never have arisen. In the circumstances, we direct the respondent College to pay interest to the appellant for a period of three years commencing from 30.09.1998 to 30.09.2001 or until the appellant was in fact paid her retiral benefits, whichever is earlier together with interest at the rate of 9% per annum. The interest of the amount to be paid within a period of 12 weeks from the date. In default, the rate of interest will be 12% per annum.”

5. In the case of **Sitaram Behra Vs. State of Chhattisgarh and others {WP(S) No.331 of 2007}** also this Court vide order dated 09.09.2009 provided appropriate interest which may have been notified by the Central Government from the date it became due.
6. Taking into consideration the aforesaid aspect of the matter and the order passed by the pension Committee, which is beyond challenge, it would be appropriate to dispose off the petition with a direction to the respondents to pay interest @ 10% on the delayed payment of pensionary benefits. The

interest will be payable from the date it became due till the date of actual payment. In addition, cost of Rs.10,000/- to the pensioner.

7. The petition is accordingly allowed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Rekha