

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4272 of 2016**

Ramcharan Ram S/o Late Dhodha Ram, Aged About 64 Years R/o Adarsh Nagar, Sitapur, Police Station Sitapur, District Surguja, (Chhattisgarh).

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, School Education Department, Mahanadi Bhawan, New Raipur, P.S. Rakhi, District Raipur, (Chhattisgarh)
2. The Joint Director, Account Treasury & Pension, Ambikapur, District Surguja, (Chhattisgarh)
3. The District Treasury Officer, Ambikapur, District Surguja, (Chhattisgarh)
4. The District Education Officer, Surguja, Ambikapur, District Surguja, (Chhattisgarh).

----Respondents

For Petitioner	:	Shri KP Sahu, Advocate.
For Respondent/State	:	Shri SP Kale, Deputy Advocate General.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****21/03/2017**

1. The present petition has been filed seeking for a direction to the respondents for release of pension, provident fund, gratuity and other retiral dues payable to the petitioner.
2. The petitioner was a Assistant Teacher who stood retired from service on attaining the age of superannuation w.e.f. 30.06.2015. Though the petitioner retired in the month of June, 2015, his retiral dues were not released by the respondents. The only explanation which the State has given in its reply is that since there was a recovery against the petitioner to the tune of Rs.86,632/-, and therefore, retiral dues were not released and were kept in abeyance.
3. The total amount of retiral dues payable to the petitioner is more than

20 Lakhs. If the respondents wanted to retain the amount of recovery pending against the petitioner, the only amount which was required to be withheld was Rs. 86,632/- and not the entire pensionary benefits/retiral dues. After this court had ordered for personal appearance of respondents No.2&3, it is only thereafter that the respondents have processed the case of the petitioner and have now ordered for release of GPF amount to the petitioner by issuing proper direction to the office of Accountant General. So far as other retiral dues are concerned, the respondents have already released the same and they have enclosed the document in respect of the same.

4. The total amount of money which has been released to the petitioner now comes to Rs.21,12,166/- excluding the GPF amount. What is pertinent to take note of is that the recovery order against the petitioner was Rs.86,632/- and the amount now released to the petitioner is more than 20 Lakhs rupees over and above the amount of recovery which was due against the petitioner. This amount of more than 20 Lakh rupees has been unnecessarily retained by the officers of the State Government, the petitioner has been deprived of the interest that would accrued if the retiral dues which was supposed to be paid to the petitioner on the date of his retirement.
5. At this juncture, it would be trite to refer to the decision of Hon'ble Supreme Court rendered in the case of D.D. Tewari v. Uttar Haryana Bijli Vitran Nigam Limited & Others [2014 (8) SCC 894], wherein, relying upon the decision in the case of State of Kerala v. M. Padmanabhan Nair [1985 (1) SCC 429], it has been held that the pension, gratuity and

retiral dues payable to an employee are not a bounty to be distributed by the Government to its employees on their retirement but are valuable rights and property in its hands and any culpable delay in settlement or disbursement thereof must be visited with the penalty of payment of interest. The Supreme Court has very categorically held that under such circumstances denial of interest would amount to miscarriage of justice.

6. Similar view has also been taken by this High Court in the case of Punarad Prasad Bhagal v. State of Chhattisgarh & Others, decided on 18.3.2013 in Writ Petition (S) No. 5231 of 2011, wherein the Court has allowed the said petition under similar circumstances.
7. The view of this Court stands further fortified from the recent decision of the Hon'ble Supreme Court in the case of State of Uttar Pradesh and Others v. Dhirendra Pal Singh, reported in 2017 (1) SCC 49.
8. Considering the authoritative decisions of Hon'ble Supreme Court in the cases of D.D. Tewari and Dhirendra Pal Singh (supra), this Court is of the opinion that it is a fit case where the Petitioner is entitled for interest on the delayed payment.
9. Accordingly, the petition is disposed of with a direction that on the said amount of Rs.21,12,166/- the petitioner shall be entitled for interest @ 6 percent per annum from the date it fell due till its release.
10. The presence of respondents No.2&3 stand dispensed with.

Sd/-
(P.Sam Koshy)
Judge