

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 392 of 2017**

(Arising out of order dated 26.04.2017 in Writ Petition (S) No.1872 of 2012 of the learned Single Judge)

- State of Chhattisgarh Through The Secretary, Public Health Engineering Department, Mantralaya, D.K.S. Bhawan, Raipur, Chhattisgarh (Now Mahanadi Bhawan, Mantralaya, Naya Raipur)

---- Appellant

Versus

- R. N. Konher Retired Superintending Engineer, Public Health And Engineering Department, S/o Late Shri Narayan Rao Konher, Aged About 65 Years, R/o B-705, Street 22, Smriti Nagar, Bhilai, District Durg, Chhattisgarh

---- Respondent

For Appellant	:	Shri U.N.S. Deo, Government Advocate
For Respondent	:	Shri Rahul Tamaskar, Advocate

Hon'ble Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Justice Sharad Kumar Gupta
Order on Board

Per Thottathil B. Radhakrishnan, Chief Justice

12.10.2017

1. We have heard the learned Government Advocate and the learned Counsel for the Respondent in this appeal against the judgment of the learned Single Judge by which the Respondent has been granted an order directing the State to release the interest @ 9% per annum from 01.04.2006 to 20.09.2011 for the delayed disbursement of Death-Cum-Retirement Gratuity (DCRG) and other retiral benefits. There is also an application seeking condonation of delay in filing this appeal.

2. We have heard the learned Counsel for the parties on the merits of the appeal as well.

3. The Respondent superannuated from service on 31.07.2006. He was entitled also to the benefit of the decision of the Government following the Report of the 6th Pay Commission with effect from 01.04.2016. It is not in dispute that the balance

amount that was due after the initial disbursement of 90% on 10.01.2007 was disbursed only on 20.09.2011. This means that on the 90% of the amount, the interest will run from 01.04.2006 till 10.01.2007. For the remaining 10%, it will run from 01.04.2006 to 20.09.2011. This is the real effect of the impugned judgment.

4. Having regard to the materials on record, we do not find any legal infirmity, jurisdictional error or illegality in appreciation of the material facts and factors by the learned Single Judge and thereby granting relief to the Respondent. This appeal therefore fails.

5. In this view of the matter, the application seeking condonation of delay does not deserve to be considered independently.

6. In the result, this appeal and the application seeking condonation of delay are dismissed in *limine*.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge