

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Review Petition No.52 of 2017**

Agahan Ram Yadav S/o Chamra Ram Yadav, Aged About 70 Years
Retired Head Master (Primary School), R/o Village Nawagaon
(Salka), Police Station, Block And Tahsil Kota, District Bilaspur,
Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary, Department of School Education, Mahanadi Bhawan, Mantralay, New Raipur, Distt. Raipur, Chhattisgarh.
2. The Joint Director, Treasury Account And Pension Bilaspur Division, Bilaspur, Chhattisgarh
3. Block Education Officer, Block Kota, District Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Ajay Shrivastava, Advocate.
For Respondent/State	:	Ms. K. Tripti Rao, Panel Lawyer.

SB: Hon'ble Shri Justice P. Sam Koshy**Order On Board****07/07/2017**

1. The present review petition has been filed seeking for review/modification of the order dated 16.03.2017 passed by this court in Writ Petition (S) No.740 of 2017.
2. Learned counsel appearing for the petitioner submits that in the original writ petition he had sought for the release of his retiral dues as also for quashment of order of recovery. In addition, grant of interest on the delayed payment of retiral dues on the part of the State was also prayed for. According to the petitioner, this court vide order dated 16.03.2017 had ordered for release of his retiral dues, however, his claim for interest has not been considered. According to him, it appears that the said prayer of interest was slipped from the mind of the court, and therefore, the said

order dated 16.03.2017 be reviewed/modified to the above extent.

3. The contention of the petitioner is that it is a case where the petitioner-employee had retired w.e.f. 30.09.2008 and till date for about 9 years time his retiral dues has not been released for which the petitioner has not been held to be at fault for such non release of retiral dues by the respondents. Therefore, since the retiral dues has not been paid to him timely on his retirement and the petitioner being not responsible for the delay caused, he would be entitled for interest on the entire amount of retiral dues till its release.
4. However, learned counsel for the State opposes the petition and submits that since this court has not granted such relief of interest on delayed payment at the time of passing the original order, therefore, such claim made by the petitioner at this juncture would be beyond the purview of review jurisdiction.
5. Considering the rival contentions put forth on either side and on perusal of record it would clearly reflect from the proceeding that the petitioner had infact claimed for interest on his retiral dues which has not been released till now. From perusal of impugned order dated 16.03.2017 it appears that the said relief of interest sought for by the petitioner has not been considered and it appears that the same has been slipped from the mind of the court.
6. This court is all the more inclined to entertain this review petition for the reason that till the date of filing of this review petition the retiral dues of the petitioner has not been released. Thus, taking into consideration the decision of Supreme Court in case of State of Uttar Pradesh and Others Vs. Dhirendra Pal Singh, 2017(1) SCC 49, this court is of the opinion that the petitioner is also entitled for interest on the delayed payment of said retiral dues from the date it fell due.

7. Accordingly, the present review petition is allowed and the order dated 16.03.2017 passed in Writ Petition (S) No.740 of 2017 stands modified to the extent that the petitioner shall also be entitled for interest on delayed payment of retiral dues @ 6 percent per annum from the date it fell due till its actual payment.
8. Let this order be also made part of the records of original writ petition i.e. Writ Petition (S) No. 740 of 2017.

Sd/-
(P. Sam Koshy)
Judge

inder