

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 400 OF 2017

Mr. Zoivonta E. Parab,
major of Age, Indian National,
resident of H. No.617/1-(2),
Bhutki, Socorro,
Bardez – Goa.

...Petitioner

Versus

1. The State of Goa
Through its Chief Secretary,
having office at Secretariat,
Porvorim – Goa.
2. The Secretary (law)
Law Department,
Government of Goa,
Having office at Secretariat,
Porvorim, Goa.
3. The Director of Accounts,
Government of Goa,
Having office at Directorate
of Accounts, Panaji- Goa.

...Respondents

Shri S.S. Kantak, Senior Advocate with Shri A. Kamat, Advocate for
the petitioner.

Shri P. Dangui, Additional Government Advocate for the respondent
no.1.

Shri S. D. Padiyar, Advocate for the respondent no.2.

**Coram:- F. M. REIS &
NUTAN D. SARDESSAI, JJ.**

Date :- 18th July, 2017

ORAL JUDGMENT: (per F.M. REIS,J.)

Heard learned Counsel for the parties.

2. Rule. Shri P. Dangui, learned Additional Government Advocate for the respondent no.1 and Shri S. D. Padiyar, learned Counsel for the respondent no.2. Heard forthwith with the consent of learned Counsel for the parties.

3. The grievance of the petitioner in the above petition is the inaction on the part of the respondents in releasing the pensionary benefits in view of the retirement of the petitioner on 01/10/2012. By an interim Order dated 27/04/2017 we directed the respondents to start paying the pension to the petitioner from the month of May,2017. It is reported by the learned Counsel for the petitioner that such amount of pension has been paid up to June,2017.

4. Upon hearing the learned Counsel the main grievance between the parties is that the petitioner is entitled either for full gratuity or to availing of the pension. Initially, the petitioner was

paid a sum of ₹10,00,000/- as gratuity but however considering the entitlement of the petitioner, the petitioner is entitled only for ₹4,64,485/- and consequently an excess amount of ₹5,35,515/- has been paid to the petitioner. It was the stand taken by the respondent that such amount had to be paid to the respondents with interest thereon. During the course of the hearing, the learned counsel for the respondents has submitted that the respondents shall pay the arrears of the pension from the date of retirement of the petitioner after deducting the said sum of ₹5,35,515/- within two months from today. The learned Counsel further points out that such amount shall be deducted without charging any interest on the petitioner. It is also submitted that the learned Counsel, on instructions, also pointed out that the pension and other pensionary benefits of the petitioner shall continued to be paid from July,2017 onwards in terms of his entitlement. In case the petitioner is entitled for commutation of pension the respondents shall consider it in accordance with law. Considering the above, we pass the following

ORDER

- (i) The respondents are directed to pay the arrears of the pension to the petitioner from the date of his retirement after deducting the said sum of ₹5,35,515/- without any interest within two months from today.

(ii) The respondents shall continue to pay the pension to the petitioner in terms of his entitlement in accordance with law from July,2017.

(iii) Rule stands disposed off with the above observations.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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