

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 1101 OF 2016**

Mrs. Givan D. Khandeparkar,
aged about 62 years, House No.342,
Kadsal ward, Near M.I.B.K. High School,
Khandepar, Ponda, Goa 403 406.

..... Petitioner.

Versus

1. State of Goa,
through its Chief Secretary,
Secretariat, Porvorim, Bardez, Goa.

2. Goa Vidyaprasarak Mandal's
Matoshri Indirabai Baburao
Khandeparkar High School,
through its Headmaster,
Khandepar, Ponda, Goa.

3. Directorate of Education,
Government of Goa,
through its Director,
having his Office at
Porvorim, Bardez, Goa.

Mr. S. D. Padiyar, Advocate for the petitioner.

Mr. Sagar Dhargalkar, Additional Govt. Advocate for the
respondent No.1.

Mr. R. G. Ramani, Advocate for respondent No.2.

**CORAM :- F.M. REIS &
PRITHVIRAJ K. CHAVAN , JJ.**

Date : - 08/06/2017.

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

Heard Mr. S. D. Padiyar, learned Counsel appearing for the petitioner, Mr. Sagar Dhargalkar, learned Additional Govt. Advocate appearing for the respondents No.1 and 3 and Mr. R.G. Ramani, learned Counsel appearing for the respondent No.2.

2. Rule. Learned Counsel appearing for the respondents waive service. Heard forthwith, with the consent of the learned Counsel.

3. Upon hearing the learned Counsel appearing for the petitioner and the respondents, a short point for consideration is, whether the petitioner is entitled for interest to the tune of ₹ 1.80 lakh and odd on account of the delay in payment of pensionary and other retirement benefits upon retirement on 28/02/2014. The fact that there was delay in the payment of the said amounts, is not in dispute. It cannot be overemphasized that it is expected of the concerned Authorities to expeditiously process the pensionary documents to ensure that such amounts are duly paid to the concerned employee immediately upon his/her retirement.

In the present case, there was delay of different periods leading to 14 months from the date the amounts were due.

4. On perusal of the calculations furnished by the learned Counsel appearing for the petitioner and as reflected in the petition, it is the contention of the petitioner that on account of such delay, considering interest at the rate of 8.7 % p.a., the amount works out to a sum of ₹ 1.80 lakh and odd. Though Mr. Ramani, learned Counsel appearing for the respondent No.2 disputes that the periods specified therein are not correct, the payment of reasonable interest to the practitioner for such delay cannot be disputed.

5. The learned Advocate General points out that there was delay on the part of the School in submitting the papers which is, otherwise, disputed by Mr. Ramani, the learned Counsel appearing for the petitioner.

6. Keeping aside the rival contentions on that count, it cannot be disputed that the petitioner is entitled for a reasonable

amount towards interest on account of such delayed payment of such amount. In the interest of justice and in the peculiar facts and circumstances of the case, we find that the respondents should be jointly and severally directed to pay a sum of ₹ 1.25 lakh to the petitioner, within four weeks from today. In case of default in payment of such amount, or any part thereof, the petitioner shall be entitled to interest at the rate of 15% per annum for such delayed payment.

7. The question as to whether the amounts should be paid by the respondents No.1 and 3 or by the respondent No.2, are matters which have to be decided by the respondents amongst themselves.

8. In view of the above, we pass the following :

O R D E R

(I) The respondents are directed to pay jointly and severally a sum of ₹ 1.25 lakh towards interest for the delayed payment of retirement and other pensionary benefits, to the petitioner within four weeks from today

(II) In case of default in payment of such amount or any part thereof, the petitioner shall be entitled for interest at the rate of 15% p.a. for the period of delay until actual payment.

(III) Rule is disposed of in the above terms.

PRITHVIRAJ K. CHAVAN, J.

F.M. REIS, J.

ssm.