

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4821 of 2014**

Ramji Dewangan S/o Shri M.L. Dewangan Aged About 63 Years R/o
Qtr No. 61/575, Laxminarayan Ward No.91, Near Pankaj Garden P.S.
City Kotwali, District Raipur, Chhattisgarh

---- Petitioner**Versus**

1. The State Of Chhattisgarh S/o Through The Secretary Department Of Home (Police), Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, Chhattisgarh
2. The State Of Chhattisgarh Through Secretary, Department Of Finance, Mantralaya, Mahanadi Bhawan Naya Raipur, Chhattisgarh
3. The Director General Of Police, Police Head Quarter, Raipur, District : Raipur, Chhattisgarh
4. D.I.G. (Administration) Police Head Quarter Raipur, District : Raipur, Chhattisgarh
5. The Director Treasury Audit And Accounts, Chhattisgarh, Raipur, Chhattisgarh

----Respondents

For Petitioner	:	Mr. Renu Kochar, Advocate
For State	:	Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****15/05/2018**

1. The only claim made by the petitioner in the present writ petition is for grant of interest on the retiral dues/pension paid to the petitioner paid at a belated stage.
2. The facts of the case is that the petitioner stood retired from service in the year 2008 and the retiral dues payable to the petitioner was settled in the year 2013. However while settling the dues, the interest for the said delayed payment has not been made by the respondents.
3. Without further entering into the details of the case, it would be relevant at this juncture to refer to the judgment of Hon'ble Supreme

Court in the case of “**S.K. Dua v. State of Haryana & Anr.**” reported in **2008 AIR SCW 689**, wherein in paragraph No.11 it has been held as under:-

“11. xxxxxxxxx, But even in absence Statutory Rules, Administrative Instructions or Guidelines, an employee can claim interest under Part III of the Constitution relying on Articles 14, 19 and 21 of the Constitution. The submission of the learned counsel for the appellant, that retiral benefits are not in the nature of bounty is, in our opinion, well-founded and needs no authority in support thereof.”

4. Recently, again 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** has reiterated the fact that for any delayed payment made to an employee, the respondents are liable to pay interest. This Court also in the case of “**Ratiyo Bai v. State of Chhattisgarh & Ors.**” in WPS No. 6261/2016, decided on 27.02.2017 in paragraphs No.8 to 11 relying upon the other authorities of the Hon’ble Supreme Court as also the view of this High Court, has held as under:-

“8. 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 denial of interest amounts to miscarriage of justice.

9. Similar view has also been taken by the coordinate Bench of this Court in the case of “Punarad Prasad Bhagal v. State of Chhattisgarh & Others”, decided on 18.03.2013 in Writ Petition (S) No. 5231 of 2011, wherein the Court has allowed the said petition under similar circumstances.

10. The view of this Court stands further fortified from the decision of the Hon'ble Supreme Court in the case of “State of Uttar Pradesh and Others v. Dhirendra Pal Singh” [2017 (1) SCC 49].

11. 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.”

5. Given the aforesaid authoritative decisions of the Hon'ble Supreme Court as well as by this Court, this Court is of the opinion that the petitioner herein also is entitled for interest on the said delayed retiral dues or pension paid to the petitioner.
6. The respondents are directed to calculate the interest on the amount paid to the petitioner @9% per annum from the date of retirement till the date each of the payments were actually made to the petitioner.
7. Let this calculation be done and the payment be made to the petitioner forthwith preferably within a period of 4 months from today.
8. The writ petition accordingly stands allowed.

Sd/-
(P. Sam Koshy)
Judge