

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 2105 of 2014**

Aajuram Sahu S/o Late Shri Birjhu Ram Sahu Aged About 65 Years
Retired Upper Division Teacher, Govt. Middle School, Khamariya
(Junwani Bhilai) Thana Junwai, District Durg, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh, Through The Secretary, School Education Department Mahanadi Bhawan, Police Station Rakhi, New Raipur, Chhattisgarh
2. Divisional Sanyukta Sanchalak, Kosh Lekha And Pension P.S. City Kotwali, Raipur, Chhattisgarh
3. The Block Education Officer, Durg, Police Station City Kotwali, District : Durg, Chhattisgarh

----Respondents

For Petitioner	:	Mr. Ajay Shrivastava, Advocate
For State	:	Mr. Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****23/07/2018**

1. The present writ petition has been filed by the petitioner seeking for interest on the retiral dues payable to the petitioner from the date of retirement i.e. 31.05.2011 till the date payment was actually made i.e. on 20.03.2014.
2. The brief facts of the case is that the petitioner working as an Upper Division Teacher at Govt. Middle School, Khamariya (Junwani Bhilai, Ward No.1, Bhilai Nagar Nigam), District Durg retired from service on attaining the age of superannuation on 31.05.2011. Subsequent to the retirement of the petitioner, he was paid the gratuity amount as also the difference of pension at a much belated period and for the said delay there was absolutely no reason assigned whatsoever and it was never

the case of respondents that the delay in the releasing of the retiral dues was on account of any fault on the part of the petitioner.

3. The facts is that the petitioner stood superannuated on 31.05.2011 and his gratuity amount and the difference of pension amounting to Rs.6,63,186/- has been paid to the petitioner only on 20.03.2014. Thus there is a delay of almost 3 years on the part of the respondents in finalizing the retiral dues payable to the petitioner and while making the payment, the interest was not paid on the said amount which has led to the filing of the present writ petition.
4. Perusal of the reply or the stand taken by the respondents would show that except for the lame excuse of procedural reasons which caused the delay there does not appear to be any justifiable ground assigned by the respondents to say that the petitioner does not deserves interest on the said amount.
5. So far as a retired employee is concerned, the retiral dues and the pensionary benefits are his sole source of support in his retired life and if the said amount is not paid to the employee on his retirement promptly, the entire planning of the retired employee so far as his post retirement plan and post retirement responsibilities are concerned gets a setback. In the instant case also, there is a delay of almost 3 years (34 months to be precise).
6. Under the aforesaid factual background this Court has no hesitation in holding that since the petitioner is not in any manner responsible for the delay caused in the processing of the retiral dues, the petitioner would definitely deserve interest on the said amount.

7. 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.
8. 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.
9. 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].
10. 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.
11. Given the facts, the writ petition therefore deserves to be and is accordingly allowed and it is ordered that the petitioner shall be entitled for the interest @ 6% per annum on the amount paid at a belated stage

of Rs.6,63,186/- from the date of retirement i.e. 31.05.2011 till 20.03.2014 i.e. the date of actual payment of amount being made.

12. The writ petition thus stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved