

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 1505 of 2015**

Lahanu Ram Khandelwal S/o late Shri Lahor Singh Khandelwal, aged about 70 years, R/o Sevtapara, Hariom Nagar, Ward No.8 Dongargaon, PS and PO Dongargaon, Civil and Revenue District Rajnandgaon (CG) Pin 491661

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through the Secretary, Revenue Department, Mahanadi Bhawan, Post Office Mantralaya, PS Rakhi, Naya Raipur, District Raipur (CG) Pin 492001
2. The Collector, Jagdalpur, Post Office PS Jagdalpur, Revenue District Jagdalpur, Civil District Bastar (CG) Pin 494001

**---- Respondents**


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| For Petitioner       | : | Shri Vipin Tiwari, Advocate      |
| For Respondent/State | : | Shri Chandresh Shrivastava, P.L. |

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**Hon'ble Shri Justice P. Sam Koshy****Order On Board****11/10/2018**

The only relief which the petitioner in the instant writ petition has sought for is the payment of interest on DPF amount payable to the petitioner after more than 9 years from the date of his retirement.

2. Facts of the case are that the petitioner working on the post of Revenue Inspector stood retired from service on 30.06.2005. Subsequent to his retirement, the DPF (Departmental Provident Fund) amount payable to him was not released in spite of repeated efforts being made by the petitioner. The said payment was ultimately released to the petitioner on

22.11.2014 and he was paid an amount of Rs.1,71,505/- by Cheque No.046894. However, while making the payment, the petitioner was not paid any interest. Counsel for the petitioner submits that there is a delay of more than 9 years for releasing the said amount and non-granting of interest has caused substantial loss to the petitioner particularly considering the fact that he is a retired employee. Thus, prayed for an appropriate interest to be awarded on the said amount.

3. The State in its reply has taken a stand that the case of the petitioner was immediately processed and sent for necessary clearance and approval to the office of the Accountant General. However, the same remained pending there for a considerable period of time and after due verification was received back from the Accountant General Office only in the year 2014. Thereafter the payment was promptly released. Thus, the State is not responsible for the delay caused and therefore they could not be saddled with the responsibility of payment of interest.

4. Given the aforesaid factual matrix of the case, admittedly the petitioner was entitled for DPF on his retirement on 30.06.2005 which for no fault on the part of the petitioner was retained by the respondents till November, 2014. Thus, there is an inordinate delay of about 9 ½ years in releasing the said amount.

5. 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.

6. 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.

7. 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. Dharendra Pal Singh**” [2017 (1) SCC 49].

8. Considering the authoritative decisions of Hon'ble Supreme Court in the cases of **D.D. Tewari and Dharendra 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. Accordingly, it is held that the petitioner would be entitled for interest @ 7.5% per annum on the said amount from the date of his retirement till the date of actual payment. The respondents are directed to calculate the same and make necessary payment at the earliest preferably within a period of 90 days from the date of receipt of certified copy of this order.

9. The writ petition accordingly stands allowed.

Sd/-  
(P. Sam Koshy)  
JUDGE