

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
Writ Appeal No. 344 of 2017

1. C. G. State Co-Operative Marketing Federation Limited Through Secretary, 880-Civil Lines, Head Office, Raipur, District Raipur Chhattisgarh
2. Managing Director, Chhattisgarh State Co-Operative Marketing Federation Ltd., 880 Civil Lines, Head Office, Raipur, District Raipur Chhattisgarh
3. Chief Accounts Officer, Chhattisgarh State Co-Operative Marketing Federation Ltd., 880 Civil Lines, Head Office, Raipur, District Raipur Chhattisgarh

---- Appellants

Versus

1. N. K. Agrawal S/o. Late Lalji Agarwal, Aged About 67 Years Retired Deputy Manager, R/o. Ramdas Nagar, Tikrapara, Bilaspur, District Bilaspur Chhattisgarh
2. State Of Chhattisgarh, Through Secretary, Department Of Co-Operative Society, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh

---- Respondents

For Appellants	: Shri Prafull N. Bharat, Advocate.
For Respondent No.1	: Shri Govind Dewangan, Advocate.
For Respondent/State	: Shri UNS Deo, Government Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board

26/09/2018

Per Ajay Kumar Tripathi, Chief Justice

1. Heard counsel for the parties.
2. The only issue which has been raised before this Court is that directions issued by learned Single Judge dated 09.08.2017 where interest @ 10% was ordered to be paid to the private Respondent from the date of retirement till the date of actual payment.
3. The justification given for non-payment for the post retiral dues to the private Respondent on behalf of the Appellants is that there was a departmental enquiry going on against him, but now, it emerges that after the superannuation of the private Respondent on 31.01.2010, the issue has been finally set to rest when the

first appeal of the present Appellants against the recovery was dismissed on 27.07.2015 and if that was so, there was in justification to hold back the post retiral dues thereafter. The order of the learned Single Judge therefore cannot be said to be erroneous.

4. In view of the same, the payment of interest will be confined between 28.07.2015 till 26.09.2017 when interim order of stay was passed by the Division Bench on such payment of interest component.

5. If the Appellants have not fully and finally settled the total outstanding of the private Respondent, it has to be done within a period of 30 days from today. The Court also clarifies that the payment of interest @ 10% will be in addition to the statutory interest, which gratuity earns for the periods in question.

6. The appeal is otherwise dismissed except to the extent indicated above.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE