

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**W.P.S. NO. 6318 OF 2011**

Smt. Sushmadas, Wd/o Late Shri Sanatan Das, aged about 61 years, R/o Sankra, P.O. Sankra, District Raigarh (CG) **... Petitioner**

versus

1. State of Chhattisgarh, through Secretary, School Education Department, D.K.S. Bhawan, G.E. Road, Raipur (CG)
2. Joint Director, Treasury Accounts and Pension, Bilaspur, District Bilaspur (CG)
3. District Treasury Officer, Raigarh, District Raigarh (CG)
4. District Education Officer, District Raigarh (CG)
5. Block Education Officer, Baramkela, District Raigarh (CG)
6. Accountant General of Chhattisgarh, Pandari, Railway Crossing, Raipur (CG) **... Respondents**

For Petitioner : Mr. Pankaj Agrawal and Ms. Iturani Mukherjee, Advocates.

For Respondents : Mr. Chandresh Shrivastava, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****08/10/2018**

1. Claim of the Petitioner was for grant of interest and other benefits which fell due upon the Petitioner on the death of her husband.
2. Perusal of record would reveal that the Petitioner's husband namely Sanatan Das retired from services on 31.10.1995. Subsequently, after about 10 years from the date of his retirement, the husband of the Petitioner died on 9.4.2005. The present Petitioner in the year 2011 had filed a writ petition i.e. WPS No. 1893/2011 which got disposed of on 8.4.2011 referring the matter to the High Power Committee constituted by the State of Chhattisgarh for redressal of dispute pertaining to retiral dues.
3. Subsequently, the said Committee found that there were no dues payable to the Petitioner and took a decision on 29.7.2011 and the only observation made by the said Committee was that in case of any adjustment which had to be made on the commutation of pension, that would have to be verified.

4. The present Petitioner subsequently filed the present writ petition now claiming that for the dues which were paid to the Petitioner at belated stage she is entitled for interest at the rate of 18%.

5. Considering the reply which has been filed by the State Government particularly Annexure R-1 where it has been clearly held that right from the time of the death of the husband of the Petitioner, the adjustment of the commuted pension had been stopped and the Petitioner the has been paid the full pension. Further, Annexure R-2 enclosed along with the writ petition shows that the dues payable to the Petitioner under the heads of GPF, DCRG, GIS, FBR all have been made in between the year 1995 and 1996 that is the period when the husband of the Petitioner was alive.

6. Given the said facts and circumstances of the case, this Court does not find any strong case made out by the Petitioner for claiming interest on the dues payable to the Petitioner as the Petitioner has not been able to show any material by documents with which it could be said that the Petitioner was paid retiral dues at a belated stage. Unless there is an inordinate unexplained delay in the releasing of the retiral dues, the same cannot be awarded with interest.

7. The writ petition thus being devoid of merits the same deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge