

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 2318 of 2018**

Niyazuddin Khan S/o Late Jamaluddin Khan, aged about 66 years, retired Assistant Engineer, R/o in front of Taiyab Mosque, Bhartiya Nagar, Bilaspur, District Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh through Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Accountant General Chhattisgarh, Zero Point, Bloda Bazar Road, P.O. Vidhan Sabha, Raipur, Chhattisgarh
3. Superintending Engineer, Public Works Department (Bridge Construction Circle), Raigarh, District Raigarh, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Sourabh Sharma, Advocate
For Respondent/State	:	Smt. M. Asha, Panel Lawyer
For Respondent no.2	:	Shri R. K. Gupta, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****15/03/2018**

Present writ petition has been filed seeking for a limited relief of payment of interest on the delayed retiral dues that was paid by the Department to the petitioner.

2. Facts of the case are that the petitioner in the instant case was working as an Assistant Engineer with the respondents and stood retired from service w.e.f. 30.11.2011. Though he had retired on 30.11.2011, the retiral dues payable to the petitioner were paid at much belated stage in three installments; first being on 21.07.2016 then on 21.06.2017 and the last installment being 12.01.2018. It is pertinent to mention that there was no departmental enquiry or any hurdle on the part of the petitioner which would have come in the way of the Department in settling the retiral dues payable to him. It is further reflected that even while

releasing retiral dues, the Department took more than two years that too in three installments for releasing the final payment which was made only on 12.01.2018.

3. It is settled position of law that the Department is duty bound to ensure that the retiral benefits are paid to the employee who stands retired promptly on his retirement unless there is some hurdle which forces the Department from processing the case of the employee in releasing the retiral dues. In the instant case, there does not appear to be any strong ground available from the order attached to the petition and without any demerits on the part of the petitioner, the Department took more than 6 years in releasing all the retiral dues payable to him.

4. At this juncture, it would be trite to refer to a decision of the Co-ordinate Bench of this Court in the case of **Shyam Dev. State of Chhattisgarh and others** reported in **ILR 2017 Chhattisgarh 1779** wherein this Court has extensively dealt with the similar issue referring to various pronouncements of the Supreme Court as well as the High Courts and held that in the event there is a deliberate delay on the part of the State Authority in releasing the retiral benefits, the amount payable shall carry interest which the Department is liable to pay.

5. Applying the principles and ratio laid down in the said judgment, this Court has no hesitation in holding that the petitioner in the instant case also would be entitled for interest on the said amount and this Court quantifies the interest @ 10% on the amount payable to the petitioner. The said interest shall be calculated from the date of retirement till each of the payments were made to the petitioner.

6. The writ petition accordingly stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
JUDGE