

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3523 of 2018**

Punnulal Jaiswal S/o Shri Koduram Jaiswal, aged about 68 years
Retired Accountant, Forest Department, R/o near Kedia Colony, Main
Road, Pendraroad, District- Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, Forest Department, Mahanadi Bhawan, New Raipur, P. S. Rakhi, District- Raipur, Chhattisgarh
2. The Chief Conservator of Forest, Forest Circle, Bilaspur, District- Bilaspur, Chhattisgarh
3. The Divisional Forest Officer, Marwahi Forest Division, Pendraroad, District- Bilaspur, Chhattisgarh
4. The Joint Director, Treasury, Account and Pension, Bilaspur, District- Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Ms. Meenu Banerjee, Advocate
For Respondent/State	:	Shri Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****04.05.2018**

The claim of the petitioner through the present writ petition is for grant of interest on the principle amount of retiral benefits which has been released to the petitioner belatedly.

2. Case of the petitioner, in brief, is that he was working as an Accountant with the Forest Department. He crossed the age of superannuation on 31.05.2005. While in service, he was prosecuted for an offence under Sections 420 & 467 of IPC and the matter was under trial

before the Court of JMFC, Pendra Road, District Bilaspur registered as Criminal Case No. 946/2014. The petitioner ultimately stood acquitted from the said charges vide judgment dated 21.09.2016 Annexure P-3. Though the petitioner had crossed the age of superannuation, the petitioner was not released with any of his retiral benefits and therefore, the petitioner on earlier occasion had filed two writ petitions i.e. WPS Nos. 5712/07 & 6334/2011, both of which stood disposed of vide order dated 28.07.2009 & 29.06.2013 respectively. After disposal of the writ petitions, the petitioner was released with 50% of gratuity and the payment under leave encashment.

3. Contention of the counsel for the petitioner is that in the light of the acquittal of the petitioner from the criminal case, he has to be provided with interest on the entire amount of retiral dues payable to the petitioner as it is clear that the petitioner was placed under suspension and was subjected to criminal trial for no fault on his part for which he should not suffer. Therefore, counsel for the petitioner sought for a direction to the respondents for releasing interest on the entire retiral dues paid to the petitioner from the date of retirement till the actual payment has been made.

4. State counsel opposing the petition submits that it is a case where admittedly the petitioner was involved in a criminal case and the offence was under Sections 420 & 467 of IPC. Since the petitioner was involved in the criminal case, the settlement of his retiral dues could not be finalized and the same has been released immediately on conclusion of the criminal trial and therefore, the State should not be held liable for payment of interest.

5. Admittedly, the petitioner stood retired w.e.f. 31.05.2005. The

petitioner in between had filed two writ petitions which stood disposed of on different dates. After the order of the High Court, on an earlier occasion, 50% of the gratuity and leave encashment has been released to the petitioner. But the petitioner did not claim for any interest on the said amount then. In view of the same, the petitioner would not be entitled for any interest on the amount which has been paid to the petitioner prior to his getting acquitted from the criminal case. However, since the criminal case, against the petitioner, has resulted in his acquittal, any payment which has been made to the petitioner subsequent to his acquittal shall carry interest.

6. Accordingly, the present writ petition stands allowed to the aforesaid extent and it is ordered that the respondents shall pay interest on the retiral dues paid to the petitioner subsequent to his acquittal on 21.09.2016. The interest shall be calculated @ 6 % per annum from the date of retirement till the date of actual payment has been made.

**Sd/-
P. Sam Koshy
Judge**