

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 3158 of 2018

Dr. Virendra Singh Parihar S/o Late Lalmaniraj Singh, aged about 69 years, Retired Deputy Director, R/o Rajgarh House, Near Matinda School, Rewa (M.P.).

---Petitioner

Versus

1. State of Chhattisgarh, Through its Secretary, Department of Krshi, Pashudhan Vikash, Mantralaya, Mahanadi Bhawan, Mantralaya, Naya Raipur (C.G.).
2. Director, Directorate of Pashudhan Vikash Vibhag, Ground Floor, Block-3, Indravati Bhavan, New Raipur (C.G.).
3. High Power Pension Nirakaran Committee, through its Chairman, Mantralaya, Mahanadi Bhawan, Mantralaya, Naya Raipur (C.G.).

---Respondents

For petitioner	:	Shri Neeraj Choubey, Advocate.
For State	:	Shri Adhiraj Surana, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19/04/2018

1. In the present Writ Petition, the petitioner had retired from the services of the respondents on 31/10/2011.
2. The counsel for the petitioner submits that, in spite of best efforts being made by the petitioner, his retiral dues much else even the pensionary benefits was not released/granted to the petitioner till the year 2017. He further submits that, though the pension and other retiral benefits have been paid to the petitioner with a delay of more than 6 years, interest has not been provided to him and it is this limited prayer which the petitioner has sought

for in the present Writ Petition that he be paid interest on the delayed retiral dues paid to him.

3. The State counsel on verification of facts does not disputed the contention that though the petitioner had retired on 30/11/2011, but the retiral dues had been paid to the petitioner only in the year 2017.

4. Given the aforesaid facts and circumstances of the case it would be relevant to refer to the judgment passed by this Court in the case of **Ratiyo Bai v. State of Chhattisgarh & Ors.** [WPS No. 6261 of 2016 decided on 27/02/2017] wherein in paragraphs 8, 9, 10 & 11, this Court has held as under:-

“8. 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.

9. 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.

10. 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. Dhirendra Pal Singh [2017 (1) SCC 49].

11. Considering the authoritative decisions of Hon'ble Supreme Court in the 5 cases of D.D. Tewari and Dhirendra 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.”

5. Again, the Hon'ble Supreme Court in the case of **State of Uttar Pradesh & Ors. v. Dhirendra Pal Singh [2017 1 SCC 49]** in a similar set of facts has held that the respondents are entitled to pay interest on the delayed payment of retiral dues.

6. Given the aforesaid facts and circumstances of the case so also considering the authoritative decision of the Supreme Court referred to in the preceding paragraph this Court has no hesitation in holding that for the delayed payment of retiral dues to the petitioner, he is entitled for the interest.

7. Thus, it is ordered accordingly that the respondents shall pay interest on the retiral dues paid to the petitioner @ 10% per annum from the date of retirement till the date the actual payment made.

8. It is made clear that the interest would be payable only on those amount in which while making payment, interest has not been calculated by the respondents.

9. With the aforesaid observation, the Writ Petition stands allowed and disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit