

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.4374 of 2013**

Smt. Manbee W/o Late Jafar Ali Aged About 55 Years Village And
Post Sarda, Thana And Tahsil Berla Distt. Bemetara.

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary Department Of School Education, Mahanadi Bhawan, Raipur C.G., Chhattisgarh
2. Director Department Of School Education, Raipur, Distt. Raipur C.G., District : Raipur, Chhattisgarh.
3. District Education Officer Bemetara C.G., District : Bemetara, Chhattisgarh
4. Joint Director Fund, Accounts And Pension Raipur Division, Raipur C.G., District : Raipur, Chhattisgarh
5. Block Education Officer Berla Distt. Bemetara C.G., District : Bemetara, Chhattisgarh
6. District Treasury Officer, Distt. Bemetara (CG).

---- Respondents

For Petitioner	:	Shri Ashok Patil, Advocate.
For State	:	Shri Adhiraj Surana, Dy. G.A.

SB: Hon'ble Shri Justice P. Sam Koshy**Order On Board****30/04/2018**

1. The issue raised by the petitioner is granting of interest on the death cum retiral dues paid to the petitioner.
2. The facts of the case is that the Husband of the petitioner died in harness on 10.07.2000 and the death cum retiral dues were paid to petitioner on 27.11.2012 and 22.05.2013 i.e. after about 12-13 years from the date of death of Husband of the petitioner.

3. The petitioner has approached this court on an earlier occasion vide WPS No. 2009 of 2013 and this court had disposed of the said writ petition on 24.07.2013 referring the case of the petitioner before the High Power Committee constituted by the State Govt. in respect of dispute pertaining to redressal of pension and other retiral dues. The committee has subsequently rejected the claim of the petitioner leading to filing of present writ petition.
4. The question as to whether interest on the delayed payment of death cum retiral dues is concerned, is no longer res integra as by now it has been held in catena of decisions that any retiral dues not paid promptly or is paid at belated stage, the same would carry interest. Some of the judicial pronouncements in this regard are, Dr. Uma Agrawal Vs. State of UP & Another, 1993 (3)SCC 438, Vijay Mehrotra Vs. State of UP & Others, 2001 (9) SCC 687, SK Dua Vs. State of Haryana & Another, 2008 (3)SCC 44, State of Kerala & Others Vs. Padmanabhan Nair, 1985 (1) SCC 429 and R Kapur Vs. Director of Inspection (Planning and Publication) Income Tax & Another, 1994 (6) 589.
5. This court also in couple of decisions have held that any payment of retiral dues paid belatedly with no justified reasons for the delay, the same would carry interest. In the instant case also the respondents have not been able to show any justified reason or provide any explanation which is plausible for the delay that has occurred in payment of retiral dues to the petitioner.
6. Given the aforesaid facts and circumstances, this court is inclined to

allow the writ petition and it is ordered that the petitioner shall be entitled for the interest on the entire retiral dues that have been paid to the petitioner @ 9 percent per annum from the date of death of the employee till the date the actual payment has been made to the petitioner.

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

Sd/-
(P. Sam Koshy)
Judge

inder