

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3547 of 2015**

Swarti Bai, Wd/o. Late Sukhidas, Aged about 44 years, R/o. Village and Post Kusmi, Tahsil Berla, District Bemetara, Chhattisgarh

---- Petitioner**Versus**

1. Government of India, Ministry of Finance, Department of Expenditure, Central Pension Accounting Office, Through: its Secretary, Trikoot-II, Bhikaji Cama Place, New Delhi 110066
2. Director General, Central Industrial Security Force, F.H.Q. C.G.O. Complex, Lodhi Road, New Delhi.
3. Regional Pension Accounts Office, CISF, Third MSO, Building D.F.-Block, Second Floor, Salt Lake City, Kolkata 700064.
4. Commandant, CISF Unit, SPM Hoshangabad, Tahsil and District Hoshangabad, Madhya Pradesh
5. Manager, State Bank of India, Centralized Pension Processing Centre, SBI Govindpura Branch Premises, Govindpura, Bhopal, Madhya Pradesh 462026
6. Manager, State Bank of India, Branch Hospital Area, District Durg Chhattisgarh

----Respondents

For Petitioner	:	Mr. R.S. Baghel, Advocate
For Respondents No.1 to 4	:	Mr. Rajkumar Gupta, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****08/05/2018**

1. The grievance now left to be considered in the present writ petition is whether the petitioner would be entitled for interest on the retiral-cum-pensionary benefits paid to the petitioner.
2. The brief facts of the case is that the husband of the present petitioner working with the respondent No.2 retired as a Sub Inspector (Executive) on 30.09.2008. Subsequent to the retirement, the husband of the petitioner was not paid any retiral-cum-pensionary benefits, which he was otherwise entitled for. In due course of time, the husband of the petitioner also died on 09.09.2014. The respondents have now

come up with a stand in their reply that though the respondents had promptly processed the pensionary benefits as well as the retiral dues payable to the petitioner and the PPO also was prepared, but the same was sent to a wrong address, that is instead of sending it to the State Bank of India, branch Bhilai, the same was sent to the State Bank of India, branch Kawardha. However, from the records it reflects that the PPO in fact even could not go to the SBI Kawardha and finally after rectification the proper PPO was ultimately released and deposited in the petitioner's bank account at the SBI branch at Bhilai on different dates after 2016.

3. Given the facts and circumstances of the case, the issue to be decided is that since the petitioner or the husband of the petitioner were not responsible in any manner for the delayed retiral dues paid to the petitioner or her husband, whether the petitioner would be entitled for interest on the delayed payment or not.
4. It is settled position of law by now with a catena of decisions a few among them being ***“State of Uttar Pradesh and Others v. Dharendra Pal Singh”*** [2017 (1) SCC 49], ***“D.D. Tewari v. Uttar Haryana Bijli Vitran Nigam Limited & Others”*** [2014 (8) SCC 894] and ***“State of Kerala v. M. Padmanabhan Nair”*** [1985 (1) SCC 429], wherein it has been reiterated by repeated judicial pronouncements that in the event of any delayed payment of retiral dues by the employer to the concerned employee, the same would carry interest.
5. In the instant case also admittedly the husband of the petitioner stood retired w.e.f. 30.09.2008, the retiral dues were to be paid to the petitioner promptly, but it appears that for the fault of the respondents the same could not be promptly released to the petitioner and the same

has since been released after a period of 8-10 years. Moreover in this case the concerned employee did not get the dues in his lifetime.

6. In view of the same, this Court has no hesitation in holding that whatever retiral dues that have been paid to the petitioner would carry interest @ 9% per annum from the date the husband of the petitioner retired from service i.e. on 30.09.2008 till the actual payments were made.
7. The writ petition accordingly stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved