

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 17014 of 2011

O R D E R:

It is stated that petitioner was initially appointed as RPF (Railway Police Force) Constable on 18.11.1979. Based on certain allegations levelled against him and as a measure of punishment, respondent authorities directed the petitioner to retire from service compulsorily. Challenging the same, petitioner filed a writ petition in WP No.20250 of 1999 and this Court by order dated 20.11.2002 allowed the said writ petition and set aside the order of compulsory retirement and petitioner was directed to be reinstated with all incidental and consequential benefits. Accordingly, he was reinstated by respondent authorities by order dated 04.04.2005.

The grievance of the petitioner is that though respondent authorities sanctioned the amounts, but distributed the same belatedly and hence, the respondent authorities shall pay interest at the rate of 12%p.a. for the delayed payments.

Heard learned counsel for petitioner and learned Standing Counsel appearing for respondents and perused the material available on record.

At the time of arguments, learned counsel for petitioner relied upon the decision of the Apex Court in O.P.GUPTA V. UNION OF INDIA¹ wherein, it was held that in the event of any delay occurred in

¹ 1990 (Supp) Supreme Court Cases 289

disbursing the pension and gratuity amount, the delayed amount shall have to be paid along with interest at the rate of 12%per annum.

On the other hand, learned Standing Counsel appearing for respondents submits that already amounts were disbursed to the petitioner and hence, the question of payment of interest does not arise.

In view of the facts and circumstances of the case and having regard to the rival submissions made by both the counsel, this Court is of the considered view that ends of justice would be met if petitioner is directed to submit a representation referring the decision of the Apex Court cites supra (1) to respondent authorities within a period of two weeks from the date of receipt of a copy of the order and in which event, respondent authorities shall consider and dispose of the same in accordance with law within a period of eight weeks thereafter.

With the above directions, the writ petition is disposed of. No costs.

Miscellaneous Petitions, if any, pending in this writ Petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

09th November, 2018

Mjl/*