

HIGH COURT OF CHHATTISGARH, BILASPUR

REVP No. 132 of 2017

Murlidhar Hariharno S/o Late Shri Ramadhin Hariharno, Aged About 80 Years Retired Lecturer, S. D. Mpl. Corporation, Hr. Secondary School, Rajnandgaon, R/o Nakshatra Lok, Station Para, Ward No. 8, Rajnandgaon, Chhattisgarh
---- **Petitioner**

Versus

1. The State Of Chhattisgarh, Through The Secretary, Local Self Government Urban Department Mantralaya, Naya Raipur, Raipur, Chhattisgarh
2. Municipal Corporation, Rajnandgaon, Chhattisgarh, Through The Commissioner, Municipal Corporation, Rajnandgaon, Chhattisgarh
3. The Commissioner, Municipal Corporation, Rajnandgaon, Chhattisgarh
....**Respondents**

For Petitioner	:	Mr. PKC Tiwari, Senior Advocate with Mr. Ashutosh Trivedi, Advocates
For Respondents 2 & 3	:	Mr. Tarkeshwar Nande, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

26.04.2019

Heard on prayer for review/modification of order dated 04.08.2017 passed by this Court.

1. Learned Senior counsel would argue that though this Court allowed the claim, no interest on the amount which was liable to be paid, actually was not paid at the time of retirement, has been awarded. It is argued that this petitioner had also filed a petition with regard to re-fixation of pay which petition was also allowed. In that case, though relief was granted with regard to re-fixation, interest was not granted. A review petition was filed in that case and in that case, interest @ 9% has been awarded from the date of entitlement till the date of actual payment.

2. It is submitted that in the present case, such relief was actually sought in the writ petition.

3. On the other hand, learned counsel for the respondents would argue that from the order under review passed by this Court, it is not clearly discernible that during the course of argument, such claim was actually insisted upon.

4. I have heard learned counsel for the parties and perused the order passed by this Court as also their respective pleadings, I find that in the writ petition, claim for interest has actually been made. In the order passed by this Court on 04.08.2017, detailed arguments were made before this Court and the petition was allowed. Considering that claim for interest was also made and particularly, taking into consideration that in a similar matter, order was passed by this Court on 23.01.2015 in Review Petition No.69 of 2014 filed by the same petitioner and decision of the Hon'ble Supreme Court in the case of **D.D. Tewari (D) Thr. Lrs. v. Uttar Haryana Bijli Vitran Nigam Ltd. and others (2014 AIR SCW 4511)**, I am inclined to partly modify the order passed by this Court on 04.08.2017 only to the extent that the petitioner would be entitled to interest at the rate of 9% from the date of entitlement (date of retirement) till the date of actual payment.

5. The review petition is accordingly allowed in the manner and to the extent stated above.

Sd/-

**(Manindra Mohan Shrivastava)
Judge**