

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 7558 of 2018

Smt. Nirmala Roucky W/o Late Shri A. F. Manoj Roucky, Aged About 63 Years, R/o Senior L.I.G. 187, Housing Board Colony, Dondekala, Brindawangarh, Raipur, Chhattisgarh.

---- Petitioner

Versus

1. Chhattisgarh Infrastructure Development Corporation Limited Through The Managing Director, Shastri Chowk, Raipur, Chhattisgarh.
2. Divisional Manager, Chhattisgarh Infrastructure Development Corporation Ltd. (Transport), Divisional Office, Tikrapara, Police Station Premises, Raipur, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Pranjal Shukla, Advocate
For Respondents	:	Mr. Ratan Pusty, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

21/01/2019

The only grievance which the petitioner has raised in the present writ petition is for grant of interest on the retiral dues that she was entitled for on her retiring from service on 31.08.2017 and which was ultimately paid to her only on 01.03.2018 i.e. after more than 6 months from the date of her retirement.

2. Counsel for the petitioner submits that since the petitioner had retired, the retiral dues was the only source of income which she had for her sustenance and which the respondents for no fault of the petitioner delayed in making payment for a period of more than 6 months. Thus, prayed for interest on the said amount.

3. The respondents, in their return, have stated that because of the financial crunch which the respondents faced, they could not release the retiral dues within the stipulated period. The further contention of the counsel for the respondents is that for releasing of the said fund, they had sought money from the State Government which also caused some delay.

4. Be that as it may, the admitted position as it stands is that the petitioner retired from service on 31.08.2017 and the dues were paid to the petitioner only on 01.03.2018. So far as the interest on delayed retiral dues is concerned, the issue is no longer *res integra* as the Supreme Court in a catena of decisions has repeatedly held that whenever there is a delay on the part of the employer in releasing the retiral dues, the employee concerned should be compensated suitably by providing interest on the said delayed amount. The present is no exception to those judgments.

5. 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.

6. 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.

7. 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. Dharendra Pal Singh [2017 (1) SCC 49]. Considering the authoritative decisions of Hon'ble Supreme Court in the cases of D.D. Tewari and Dharendra 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.

8. In view of the aforesaid judicial pronouncements and the legal position as it stands, this Court is of the opinion that the petitioner herein also is entitled for interest on the said amount. Accordingly, it is ordered that the respondents shall pay interest on the dues paid to the petitioner on 01.03.2018 on her retirement @ 7% per annum from the date it fell due till the date it was paid to the petitioner.

9. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Khatai