

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 829 of 2018

1. State Of Chhattisgarh Through The Secretary, Department Of Krishi, Pashudhan Vikash, Mantralaya, Mahanadi Bhawan, New Raipur Chhattisgarh
2. Director Directorate Of Pashudhan Vikash Vibhag, Ground Floor Block -3, Indravati Bhavan, Raipur Chhattisgarh.
3. High Power Pension Nirakaran Committee Through Its Chairman, Mantralaya, Mahanadi Bhawan, Mantralaya, Naya Raipur Chhattisgarh.

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Versus

- Dr. Virendra Singh Parihar S/o Late Lalmaniraj Singh Aged About 69 Years Retired Deputy Director, R/o Rajgarh House, Near Matinda School Rewa Madhya Pradesh., District : Rewa, Madhya Pradesh

-----Respondent

For Appellants/State : Shri RS Baghel, Deputy Advocate
General

For Respondent : Shri Neeraj Choubey, Advocate

**Hon'ble Shri Ajay Kumar Tripathi, Chief Justice &
Hon'ble Shri Justice Parth Prateem Sahu
Judgment on Board**

Per Ajay Kumar Tripathi, Chief Justice
08.03.2019

1. The State is in appeal against Order dated 19.04.2018 passed by the learned Single Judge where on a very simple assertion made before the Bench on behalf of the retired employee, that his retiral dues were not paid to him till the year 2017, though he superannuated on 30.10.2011. The writ was allowed and interest granted.
2. Learned Single Judge taking the statement to be the gospel truth, relied on certain principles where there has been delay in settlement of post retiral dues and directed payment of interest @ 10% per annum from the date of retirement till the date of actual payment.

3. Submission of counsel for the State is that it was not a case where the respondent authorities deliberately to harass the private respondent herein did not settle his post retiral dues.
4. The private respondent retired from the department of Animal Husbandry, State of Chhattisgarh. He seems to have superannuated from Ambikapur, district Surguja. For the period he was posted in the said district, for certain omission and commission, a show cause dated 25.04.2012 was issued to him, a copy of which has been brought on record as Annexure- A/2. A financial obligation to a sum of Rs.60,075/- was sought to be claimed or placed upon him. It seems that the private respondent in response to the show cause, decided to deposit the money and wanted the issue to be closed. The said matter however, got examined at the level of the superior authorities and taking a humanitarian consideration coupled with the fact that the private respondent had superannuated in the meantime, they decided to close the issue and issued an Office Order dated 28.05.2016 in this regard and thereafter, the pension has been authorised in favour of the private respondent by the competent authority.
5. On the basis of the show cause, a full-fledged departmental enquiry could have been ordered against the private respondent but since he himself chose to deposit the amount which was claimed, for which losses had been caused to the State, the matter was considered by the appellants and they finally closed the issue and ordered payment of retiral dues.

6. In these circumstances, it is not one of those cases where the pension was not paid without any justification or reason. There was delay caused because of the conduct of the private respondent in relation to the responsibility which he held before his superannuation.

7. In these circumstances, we feel that a direction for payment of 10% interest across the Board on all payments is uncalled for. The private respondent, however, shall be entitled to statutory interest on the post retiral dues in this regard.

8. The appeal is allowed. The order directing payment of 10% interest per annum on all retiral dues, therefore, is hereby set aside.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge