

IN THE HIGH COURT OF BOMBAY AT GOA.**WRIT PETITION NO. 703 OF 2018.**

Mrs. Matildes Lobato de Faria, Aged 61 years, Retired Head Clerk, Residing at flat A-2, E. L. Valley, Block "A", behind holly Family School, Sucorro, Porvorim, Bardez Goa. Petitioner.

Versus

- 1 State of Goa Through The Chief Secretary Government of Goa, Porvorim-Bardez Goa.
- 2 The Registrar of Co-op. Societies Sahakar Sankul, 4th floor, Patto, Panaji-Goa.
- 3 Dy. Registrar of Co-op. Societies (Admin) Sahakar Sankul, 5th floor, Patto, Panaji-Goa.
- 4 Asst. Registrar of Co-op. Societies (South Zone) Gomant Vidhya Niketan, 3rd Floor, Margao-Goa.
- 5 Asst. Registrar of Co-op. Societies (North Zone) Govt. Office Complex, 1st Floor Mapusa-Goa.
- 6 Mrs. Milagrina Pereira, Head Clerk, c/o Asst. Registrar of Co-Op. Societies (South Zone), Gomant Vidhya Niketan, 3rd Floor, Margao-Goa. Respondents.

Mr. V. Rodrigues, Advocate for the petitioner.

Mr. D. Lawande, Advocate General with Ms. P. Kamat, Additional Government Advocate for the respondent nos.1 to 5.

**Coram:- M. S. Sonak &
Prithviraj K. Chavan, JJ.
Date:- 30th January, 2019.**

ORAL JUDGMENT (Per M. S. Sonak, J.)

Heard Mr. V. Rodrigues, learned Counsel for the Petitioner appointed under the Legal Aid Scheme and Mr. D. Lawande, Advocate General appearing for the respondents.

2. Rule. Rule is made returnable forthwith with the consent and at the request of the learned Counsel for the parties. Ms. P. Kamat, learned Additional Government Advocate waives notice on behalf of the respondent nos.1 to 5.

3. In the present case, there is no dispute that the petitioner retired as a Head clerk from the office of the Assistant Registrar of Co-operative Societies on 31.8.2016. There was admittedly, some delay in payment of her retiral benefits, including Earned Leave Encashment, Pension, Gratuity, GPF etc. Mr. Rodrigues, relies upon Circular dated 8.1.1988 issued by the State of Goa

which *inter alia* provides interest @ 7% per annum is required to be paid, if there is delay in payment of retiral benefits up to one year and interest @10% per annum, if such delay is over one year.

4. Since, facts in the present case are not much in dispute, we direct the respondents to pay interest in accordance with aforesaid Circular to the petitioner. This means that if the delay in payment of certain components of retiral benefits is less than one year, respondents to pay interest @ 7% per annum on such component and if the delay is in excess to one year, the State is directed to pay interest @ 10% per annum on the said component on the retiral benefits.

5. Respondents are directed to work out entitlement of the petitioner on the aforesaid basis and to pay the amount of interest as expeditiously as possible and in any case within a period of 8 weeks from today.

6. We place on record our appreciation for the services rendered by Mr. V. Rodrigues, Advocate who was appointed under the Legal Aid Scheme on behalf of the petitioner.

7. Rule is made absolute in the aforesaid terms. There shall be no order as to costs.

PRITHVIRAJ K. CHAVAN,J.

M. S. SONAK, J.