

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4541 of 2020**

Smt. Rama Devi Wife Of Late Dadulal Mishra, Aged About 62 Years
Resident Of Ward No. 37, Staff Quarter, Dumanhill Colliery, Chirmiri,
District-Korea (Chhattisgarh)

---- Petitioner**Versus**

1. South Eastern Coalfields Limited, Through Its Chairman-Cum-Managing Director, S E C L Headquarter, Seepat Road, Bilaspur (Chhattisgarh)
2. The General Manager, S E C L, Chirmiri Area, District - Korea Chhattisgarh.
3. The Regional Personnel Manager, S E C L, Chirmiri Area, District - Korea Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Rahul Mishra, Advocate
For Respondents	:	Mr. Vivek Ranjan Tiwari, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order on Board

26/11/2020

1. The grievance of the petitioner in the present writ petition is two folds. First claim of the petitioner was for grant of interest on the delayed payment of GPF and gratuity amount and the second claim of the petitioner is that there are still certain unpaid death-cum-retiral benefits payable to the petitioner which has not been paid by the respondents like group insurance, leave encashment, etc.
2. So far as the GPF amount is concerned, this Court is of the opinion that since as long as the amount lies with the Provident Fund

Department the amount carries interest, petitioner would not be entitled for any further interest on the GPF amount.

3. As regards the interest on gratuity amount, since the petitioner has for the purpose of release of gratuity approached the Controlling Authority under the Payment of Gratuity Act and an award was passed on 30.04.2013 and if the Controlling Authority has not granted any interest to the petitioner, the petitioner cannot now after more than 7 years file a writ petition seeking for grant of interest on the said amount. In 2013 itself the petitioner should have challenged the order of the Controlling Authority either by way of an appeal or by way of a writ petition. In the event of not having availed the said remedy, the petitioner cannot be granted interest on the said amount at this belated stage. Hence, the relief No. 10.1 of the writ petition stands rejected.
4. However, as regards the second relief which the petitioner has sought for, it is directed that the respondents shall forthwith process the case of the petitioner for the unpaid part of the death-cum-retiral dues payable to the petitioner on the death of her husband who died in harness on 13.10.2012. In case if on scrutiny the respondents find that there are certain unpaid amount yet to be paid to the petitioner, the said amount shall carry interest @ 07% per annum from the date of death of the deceased till the date the actual payment is made.
5. It is made clear that the respondents-Management would be at liberty to recover the interest part from any erring officer, who has

deliberately not processed the claim of the petitioner for its timely release.

6. Let this exercise so far as the unpaid retiral dues payable to the petitioner; like leave encashment, group insurance, etc. be scrutinized and finalized within a period of 90 days from the date of receipt of the copy of this order.
7. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved