

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR
WRIT PETITION (SERVICE) NO. 802 OF 2021

Rameshwar Prasad Choubey, S/o Late Shri Kalpa Dhari Choubey, aged about 74 years, Retired - Librarian of Government Rajiv Gandhi Post Graduate College, Ambikapur, R/o near Old Primary School, Patpariya, Ambikapur, District Surguja (CG)

... Petitioner

versus

1. State of Chhattisgarh, through Secretary, Department of Higher Education, Mantralaya, Mahanadi Bhawan, Naya Raipur (CG)
2. Commissioner, Higher Education, Directorate of Higher Education, Raipur (CG)
3. Principal, Government Rajiv Gandhi Post Graduate College, Ambikapur, District Surguja (CG)
4. Accountant General, Office of the Accountant General, Raipur (CG)

... Respondents

For Petitioner	:	Mr. Vinay Pandey, Advocate.
For Respondents 1 & 2	:	Ms. Hamida Siddiqui, Dy. A.G.
For Respondent 4	:	Mr. Raj Kumar Gupta, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

18/03/2021

1. The present Writ Petition has been filed by Petitioner seeking interest on the delayed retiral dues that he has received.
2. Facts of the case relevant for the disposal of the present Writ Petition are, that the Petitioner in the present Writ Petition was working on the post of Librarian at Government Rajiv Gandhi Post Graduate College, Ambikapur. He stood retired from service on 31.1.2009. After his retirement, the Respondent authorities had not finalized the retiral dues payable to him. Meanwhile, however, it was found that at the Library where the Petitioner was In-charge certain books were missing and the value of those missing books was assessed to the tune of Rs.7,64,252/-. Because of the said reason, the retiral dues of Petitioner could not be finalized/settled.
3. Meanwhile, the Petitioner preferred a Writ Petition before this Court alleging non-releasing of pension, arrears of pay, gratuity, leave encashment, pay fixation etc., vide W.P.(S) No. 902/2014. The said Writ Petition got disposed of vide Order dated 20.2.2014 whereby the case of Petitioner was ordered to be

placed before the High Power Committee constituted by the State Government so far as releasing of retiral dues of employees are concerned and the said Committee was directed to take a decision at the earliest within a period of six months.

4. From the records and the pleadings made by Petitioner, it stands admitted that the substantial claims of Petitioner for release of retiral benefits and other dues were all finalized/settled in the year 2014 itself, that is immediately after the disposal of aforesaid Writ Petition. However, the amount of gratuity was still withheld by the Respondent authorities in respect of outstanding that was shown against the books missing from the Library.

5. Petitioner, thereafter, again came to this Court by way of W.P.(S) No.6478/2014 and this Court again allowed his Writ Petition on 30.8.2018 directing the Respondent authorities to immediately ensure releasing of the amount recovered from the gratuity and the entire amount to be paid to him along with interest at the rate of 9% per annum. Though initially there was a non-compliance of this order but later on after the Petitioner preferred a Contempt Petition the said order also stands duly complied with.

6. During all these periods, the Petitioner was not aggrieved of interest on retiral dues which were paid to him way back in the year 2014. Only after receiving gratuity amount with interest as awarded by this Court that the Petitioner woke up from his slumber and has now made a representation for grant of interest on retiral dues that were paid to him in the year 2014 and thereafter the present Writ Petition has been filed by Petitioner on 12.1.2021, that is almost about 7 years from the year of receipt of entire retiral benefits by him and after around 12 years from the date of his retirement.

7. The aforesaid factual matrix of the case itself would show that the claim of Petitioner is highly belated. Moreover, the Petitioner in the past when he had approached this Court on an earlier two occasions; first by way of W.P.(S) No. 902/2014 and again by W.P.(S) No. 6478/2014, had the occasion for claiming interest also and pressing for grant of interest but the Petitioner at that point of

time did not or deliberately did not press the interest part and filed the Contempt Petition for only releasing the retiral dues which the Respondent authorities after indulgence of this Court have promptly done without any delay.

8. Given the facts and circumstances of the case, this Court finds that the Petitioner has not made a prompt case for grant of interest on retiral benefits.

9. Writ Petition thus deserves to be and is accordingly dismissed.

/sharad/

**Sd/-
(P. Sam Koshy)
JUDGE**