

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3088 of 2021**

1. Prabhu Patle Son Of Late Shri Govind Ram Patle Aged About 67 Years Retired As Deputy Director, Head Office Khadi Tatha Gramodyog Board, Raipur. Resident Of Sai Nagar Urla Ward No. 58, Road No. 5 Post Mohannagar, Tahsil - Durg, District- Durg (Chhattisgarh) ---- **Petitioner**

Versus

1. Chhattisgarh Khadi Tatha Gramodyog Board Through The Managing Director, Mahtma Gandhi Smriti Bhawan, Keyur Bhushan Parisar, Kankali Para Road, Sports Complex Premises, Raipur, District - Raipur (Chhattisgarh) ----**Respondents**

For Petitioner	:	Shri Govind Prasad Dewangan, Advocate.
For Respondent	:	Shri R.S. Patel, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****06.09.2021**

1. The grievances of the petitioner in the present writ petition is only in-respect-of the arrears of difference of pay which the petitioner was entitled for in-terms of the recommendation of the 7th Pay Commission for the period between 01.01.2016 to 31.08.2016 i.e. the date on which the petitioner stood retired on crossing the age of superannuation.
2. The petitioner also is claiming the benefit of the post retiral benefits in-terms of the revised pay-scale according to the 7th pay commission. From the pleadings, the petitioner crossed the age of superannuation on 31.08.2016. At that point of time, it was the 6th pay recommendation which was applicable and enforced. Subsequently, the Government implemented the 7th pay commission recommendation and the recommendation were implemented w.e.f. 01.01.2016 onwards. Since

the petitioner has retired subsequent to the implementation of 7th pay commission i.e on. 31.08.2016, he becomes entitled for the benefit of 7th pay commission recommendation from 01.01.2016 till the date of retirement and also for the calculation of the post retiral benefits. It is five years now that the petitioner stands retired from service, till date he has not been given the benefits as claimed for. The department on the previous occasion was directed to submit the reply. In the reply, the department has taken a stand that the department principally accepted the claim of the petitioner so far as granting of the benefits of the pay-scale as recommended by the 7th pay-commission from 01.01.2016 onwards is concerned.

3. However, since the petitioner has not got an approval of being sanctioned from the department of the Finance Government of Chhattisgarh, the benefit could not be extended to the petitioner and the approval sanctioned from the Ministry of Finance, Government of Chhattisgarh is pending consideration for more than a year now.
4. From the reply of the department it also reflects that they have also been continuously pursuing the matter with Department of Finance Government of Chhattisgarh as would be reflected from the reminders collectively marked as Annexure R/3. It is now five years period for any employee to wait for settlement of his dues is quite a long period. Moreover, the Department themselves have principally accepted the entitlement part and in-spite of that, the petitioner or the employee is unable to reap the fruits from the said decision of the department. The petitioner or such employees have to be protected from incurring further loss. One cannot lose sight of the fact that had the petitioner got

the benefit immediately upon the implementation of the 7th pay-commission recommendation and if he would have invested the said amount at that point of time, he would have earned more interest on the said amount as compared to the rate of interest applicable today and the petitioner as such is being put to lose each day and each month upon his not getting the same.

5. Be that as it may, once the department has principally accepted the entitlement part of the petitioner, it is ordered that whenever the department implements and extends the benefit to the petitioner so far as arrears of 7th pay-commission recommendation and also the post retiral benefits, the entire dues payable to the petitioner as a result of the revision of pay both on the arrears as also on the post retiral benefits, the amount shall carry interest @ 10 % per annum from the date of his retirement till the date the actual payment is made.
6. With the aforesaid observation, the writ petition accordingly stands allowed and disposed of.

Sd/-

**P. Sam Koshy
Judge**

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