

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.712 of 2024

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Krishna Kumar Tripathi, son of Late Ram Pujan Tripathi, Ex-Station Manager, East Central Railway, Gaya (Bihar), Resident of Shastri Nagar East, Road No. 5, P.O-Gaya, P.S.-Rampur, District-Gaya, Pin Code-823001 (Bihar).

... .. Petitioner/s

Versus

1. The Union of India through The General Manager, East Central Railway, Hajipur, P.O.-Digghi Kalan, P.S. Hajipur, District-Vaishali at Hajipur, Pin Code-844101 (Bihar).
2. The Divisional Railway Manager, East Central Railway, Pandit Din Dayal Upadhyay, District - Chandauli -232101 (UP).
3. The Senior Divisional Personnel Officer, East Central Railway, Pandit Din Dayal Upadhyay, District - Chandauli -232101 (UP).
4. The Senior Divisional Commercial Manager, East Central Railway, Pandit Din Dayal Upadhyay, District - Chandauli -232101 (UP).
5. The Senior Divisional Financial Manager, East Central Railway, Pandit Din Dayal Upadhyay, District - Chandauli -232101

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Munna Prasad Dixit, Advocate Mr. Sanjay Kumar Dixit, Advocate Mr. Sanjay Kumar Chaubey, Advocate Ms. Swastika, Advocate Mr. Shailendra Kumar, Advocate Mr. Milind Raj Dixit, Advocate Mr. Punit Ranjan Dixit, Advocate
For the Respondent/s	:	Ms. Iti Singh, G.A-1

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 14-05-2024

The present writ petition is in respect of assailing
portion of the order dated 07.12.2022 passed in O.A. No.
050/00261 of 2022 to the extent of non-grant of interest on
belated settlement of retiral dues of the petitioner Krishna



Kumar Tripathi. On 01.04.2024, we have passed the following order:-

“Short question for consideration in the present lis is whether petitioner is entitled to interest on belated payment of retiral benefits during the intervening period from October, 2021 to 03.06.2023, the date on actual payment is made. No doubt, petitioner has attained the age of superannuation and retired from service on 31.07.2021, however, official respondents are entitled to disburse/settle the Government Servants Due of retirement within a period of three months. If three months is taken into consideration in that event the petitioner is entitled to interest from 1st November, 2021 till 03.06.2023. On this issue, concerned respondents have to apprise on the next date of hearing.

*2. Learned counsel for the petitioner is also relying on a decision of this Court in the case of **Chandra Bhan Upadhyay Versus The Union of India and others (C.W.J.C. No.2450 of 2023 decided on 13.07.2023)**. Respondents are hereby directed to take note of Hon’ble Supreme Court decision in the case of **Vijay L. Mehrotra Versus State of U.P. and others**, reported in **(2001) 9 Supreme Court Cases 687** on payment of interest, on belated settlement of various dues of retired persons.*

3. Re-list this matter on 15.04.2024”.

2. The respondents have filed counter affidavit. In para-13 they have stated that petitioner is not entitled to interest on commutation. There is no provision for grant of interest on commutation. That apart, commutation would be effective from



the date of order passed by the concerned authority or in accepting whatever the amount of commutation made by the concerned government servants/officials.

3. In respect of payment of interest on other retiral dues are concerned, respondents have taken contention that the petitioner is not entitled to interest since there is a delay of only about 51 days. In this regard, it is necessary to reproduce para-16 of the counter affidavit and it reads as under:

“16. That in accordance with Rule 87 on payment of interest towards delay payment of gratuity, there has been no administrative lapse but delay occurred as the process of payment was initiated on 13.02.2023 in compliance of CAT’s order dated 12.02.2023 (when the copy of the order was received by the office) and the payment was done by 02.06.2023. Thus only 51 days delay was done which was purely based on certain queries of accounts department while processing the file for payment.”

4. The aforementioned statement for the purpose of delay in settlement of retiral dues is not appreciable for the reasons that petitioner had attained age of superannuation and retired from service on 31.07.2021 and the calculation of delay cannot be with reference to the orders of the CAT and actual payment made to the petitioner. Therefore, the petitioner is entitled to interest on belated settlement of retiral dues other than commutation from 1st November, 2021 till 30th June 2023.



Interest shall be calculated at the rate of 6% per annum and the same shall be released within a period of three months from the date of receipt of this order.

5. Accordingly, the writ petition stands disposed of while modifying the order of the CAT dated 07.12.2022 passed in O.A. No. 050/00261 of 2022 to the above extent and that the petitioner is entitled to interest on retiral benefits.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.05.2024
Transmission Date	NA

