

18.09.2024
Sl. No. 09
Ct. No. 23
Srimanta

WPA/8732/2024

Radha Prasad
-Vs.-
Union of India & Ors.

Mr. Achin Kumar Majumder,
Ms. Ananya Adhikary
...for the petitioner.

Mr. Kalyan Chakraborty,
Mr. Guddu Singh
...for the Union of India.

The petitioner was allowed to be superannuated from his service as a Sub-Inspector in the Railway Protection Force of Eastern Railway (in short, RPF) on 31st January, 2018 on having attained the age of superannuation. The petitioner says that the retiral benefits of the petitioner was not paid as required under the Rules to the petitioner. The petitioner was ultimately paid all the retiral benefits on 10th January, 2024. The petitioner therefor says that he should be paid interest for the period for which the petitioner's retiral benefits stood withheld. On the other hand, it is submitted by the respondents that the petitioner on the date of superannuation was facing a disciplinary proceedings and as a consequence whereof the retiral benefits were not disbursed. The petitioner also says that his gratuity and provident fund amounts could not have been withheld on his retirement even if the disciplinary proceedings were pending as the employer-employee relationship broke on his

retirement and the applicable service rules does not provide for withholding the amounts. The petitioner challenged the action of the respondents (employer) before the Single Bench by filing a writ petition which was dismissed. Challenging the order of dismissal the petitioner had gone before the Division Bench assailing such order. As the litigations were pending and the issue being sub-judice the respondents say that they did not take any chance in releasing the retiral benefits to the petitioner.

After hearing the parties and considering the materials-on-record, I find that the disciplinary proceedings showing which the petitioner's retiral benefits were withheld has been set aside and/or quashed by the orders dated 3rd August, 2018 and 1st September, 2023. In the aforesaid facts and circumstances the petitioner is entitled to interest for the delayed payment of the retiral benefits between 31st January, 2018 and 10th January, 2024. The withheld amounts were also required to be released with interest in view of the ratio laid down in **2020 (18) SCC 71 Mahanadi Coalfields Ltd. v. Rabindranath Choubey and 2021 (14) SCC 472 Prahlad Raut v. AIIMS.**

Although, the petitioner says that under the Payment of Gratuity Act, 1972 and the Rules framed thereunder the interest rate as per the Government circular at the rate of 12% per annum but I am not inclined to grant such rate of interest as I find 8% per annum simple interest will be a fair and reasonable rate of interest.

The respondents shall pay the interest on the principal sum of his provident fund, gratuity and other amounts released as petitioner's retiral benefits at the rate of 8% per annum from 31.01.2018 to 10.01.2024 within a period of two months from date, failing which the rate of interest will stand increased to 12% per annum. Respondents shall act on the basis of a server copy of this order without insisting upon production of a certified copy thereof.

Nothing further remains to be adjudicated in this writ petition. The same is accordingly disposed of.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

All parties including the CSTC shall act on the basis of the server copy of this order without insisting upon production of a certified copy thereof.

(Arindam Mukherjee, J.)