

06.08.2024

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WPCT 193 of 2024
Sri Upain Chandra Sharma
– *Versus* –
Union of India & Others

Mr. Chandan Misra,
Mr. Debabrata Majumder
... for the Petitioner.
Mr. Sanjit Kumar Ghosh,
Mr. Dipanjan Sinha Roy
... for the UoI/Respondents.

Aggrieved by the refusal of the learned Tribunal to direct payment of interest for delayed disbursement of the retrial dues, the petitioner has preferred the present writ petition.

Records reveal that the original application (in short, OA), being OA 937 of 2014 was preferred by the petitioner challenging *inter alia* the orders dated 24th August, 2010 and 30th August, 2010 passed by the respondent no. 3 for recovery an amount from the settlement dues of the petitioner, who retired on 31st March, 2008.

The learned Tribunal on 4th December, 2023 set aside the impugned orders upon arriving at a specific finding that no amount can be recovered from the settlement dues of the petitioner without initiating any disciplinary proceeding moreso when the petitioner had been allowed to retire from his service and accordingly, direction was issued upon the respondents to release the withheld amount of death-

cum-retirement gratuity and leave salary due to the petitioner after adjusting only the licence fees and electricity charges for the Government accommodation due from the petitioner. We have been informed that the respondents have already disbursed the retriial dues in favour of the petitioner in terms of the order passed by the learned Tribunal.

Mr. Misra, learned advocate appearing for the petitioner submits that though a prayer was made in the OA for issuance of necessary direction upon the respondents to pay interest for delayed disbursement of the retriial dues, the learned Tribunal mistakenly omitted to issue such direction even after arriving at a finding that the delay towards disbursement of the retriial dues is attributable to the respondents.

Mr. Ghosh, learned advocate enters appearance on behalf of the respondents and submits that the issue towards payment of interest for delayed payment of gratuity was not urged before the learned Tribunal and in the facts and circumstances of the case the learned Tribunal rightly refused to exercise discretion in favour of the petitioner towards payment of interest.

It is well-settled that interest is not a penalty or punishment and such interest is normal accretion on the claim withheld. The learned Tribunal, in our considered view, glossed over the issue towards

payment of interest though a specific prayer to that effect was also made by the petitioner in the OA.

As a model employer, the railways must conduct itself with high probity and candour and ensure that its employees do not succumb to the procedural rigmarole particularly when the claim pertains to pensionary benefits.

In the said conspectus and in the interest of justice we modify the order dated 4th December, 2023 and direct the respondents to pay interest @ 8% per annum to the petitioner over the gratuity amount on and from the date next to the date of his retirement till the date of actual payment, within a period of four weeks from the date of communication of this order.

The writ petition being WPCT 193 of 2024 is, accordingly, disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)