

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8625 of 2019

Ram Dayal Singh, Son of Late Ram Shlok Singh, Permanent resident of Village and P.O.- Dhamar, P.S.- Ara Mufassil, District- Bhojpur at present House No.02, Vaishnov Vihar, Ashiana Nagar, South of LIG Gate, P.O.- Ashiana Nagar, P.S.- Rajeev Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The Food Corporation of India Through its Chairman/ Managing Director, 16/20 Bara Khambha Lane, New Delhi.
2. The Chairman/ Managing Director Food Corporation of India, 16/20 Bara Khambha Lane, New Delhi.
3. The General Manager (Region) Food Corporation of India, Arunachal Building, Exhibition Road, Patna.
4. The District Manager Food Corporation of India, District office (Muzaffarpur Depo) Narainpur Anant, Muzaffarpur.
5. The Area Manager Food Corporation of India, Narainpur Anant, Muzaffarpur.
6. The District Manager Food Corporation of India, District office (Chanpatiya Depo) Motihari, district- East Champaran.
7. The Area Manager Food Corporation of India, District office (Motihari Depo) Motihari, district- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Md. Anis Akhtar, Advocate
For the Respondent/s	:	Mr. Prabhakar Tekriwal, Advocate
For the FCI	:	Mr. P.K. Verma, Sr. Advocate
		Mr. Saket Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

11 27-03-2025 Heard the parties.

2. The petitioner has moved before this Court seeking a direction to extend all the retiral benefits in favour of the petitioner.

3. Mr. Asif Kalim, learned Advocate for the petitioner fairly contended that though during the pendency of the writ



petition all the substantive grievance of the petitioner has been redressed, but inordinate delay has been caused in making payment of all the benefits/dues and, as such, in any view of the matter the petitioner is entitled to get interest over the delayed payment.

4. Mr. Saket Tiwari, learned Advocate for the Food Corporation of India dispelling the contention of the petitioner has contended that the delay, if any, is made in according the retiral benefit to the petitioner has occurred on account of pending litigation and the reason beyond the control of the Corporation.

5. The issue of interest over the delayed payment has been considered on various occasions, that in case there is latches on the part of State respondent authorities, the employees must get interest over the delayed payment. It would be apt and proper to refer the judgment of this Court in the case of *State of Kerela & Ors. vs. M. Padmanabhan Nair, (1985) 1 SCC 429* wherein the Hon'ble Court held in paragraph no. 1 as follows:-

"1. Pension and gratuity are no longer any bounty to be distributed by the Government to its employees on their retirement but have become, under the decisions of this Court, valuable rights and property in their hands and any



culpable delay in settlement and disbursement thereof must be visited with the penalty of payment of interest at the current market rate till actual payment.”

6. The Hon’ble Court further observed that, it will, however, be for the State Government to consider whether the erring officials should or should not be directed to compensate the Government the loss sustained by it by his culpable lapses.

“5. We are also of the view that the State Government is being rightly saddled with a liability for the culpable neglect in the discharge of his duty by the District Treasury Officer who delayed the issuance of the L.P.C. but since the concerned officer had not been impleaded as a party defendant to the suit the Court is unable to hold him liable for the decretal amount. It will, however, be for the State Government to consider whether the erring official should or should not be directed to compensate the Government the loss sustained by it by his culpable lapses. Such action if taken would help generate in the officials of the State Government a sense of duty towards the Government under whom they serve as also a sense of accountability to members of the public.”

7. In the case of ***Union of India vs. Justice S.S. Sandhawalia, (1994) 2 PLJR SC 48*** the Hon’ble Apex Court has explicitly observed that :-

“Once it is established that an amount legally due to a party was not paid to it, the party responsible for withholding the same must pay interest at a rate



considered reasonable by the Court. Therefore, we do not see any reason to interfere with the High Court's order directing payment of interest at 12% per annum on the balance of the death-cum-retirement gratuity which was delayed by almost a year. We uphold this part of the High Court's order."

8. Considering the limited grievance of the petitioner, this Court thinks it appropriate to dispose off the writ petition with a direction to the respondent no. 3 to consider the claim of the petitioner for interest over the delayed payment and pass reasoned and speaking order preferably within a period of 12 weeks from the date of receipt/production of a copy of this order in view of afore-noting ruling of the Hon'ble Apex Court.

9. The writ petition stands disposed off with the aforesaid direction and observation.

(Harish Kumar, J)

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