

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.205 OF 2024

SHUBHANGI MANERKAR

... PETITIONER

Versus

**THE STATE OF GOA THR THE CHIEF
SECRETARY AND 5 ORS**

... RESPONDENTS

Mr. John Lobo, Advocate for the Petitioner.

Mr Prashil Arolkar, Additional Government Advocate for the
Respondent State.

Mr. Laban Carvalho, Advocate holding for Mr. Vivek Rodrigues,
Advocate for Respondent no. 5.

**CORAM:- M. S. KARNIK &
NIVEDITA P. MEHTA, JJ.**

DATED :- 4th March, 2025

ORAL ORDER (Per M. S. Karnik, J)

The petitioner was working as a Headmistress and retired with effect from May 2022. Retirement dues were not paid to her from June, 2022. Aggrieved by the inaction of the non-payment of the pensionary benefits and other dues, the petitioner filed this Writ Petition on 16.02.2024. The retirement dues were paid to the petitioner on 15.03.2024. Prayer clause (A) of the petition is therefore worked out.

2. What survives is the petitioner's claim for penal interest at the rate of 18 percent per annum on the amount so due and payable for causing

delay in payment of the Pension.

3. We have perused the affidavit in reply on behalf of the respondents. Learned Counsel for the respondent no.5 submitted that there is absolutely no delay on their part in processing the pension papers. The respondent no. 5 attributed the delay to the compliances required by the respondent Department from time to time. It is submitted that the respondent no.5 made the necessary compliance as asked for without delay. It is submitted that the delay cannot be attributed to the respondent no.5.

4. Shri Arolkar, learned Additional Government Advocate appearing for the State, submitted that it was for the respondent no. 5 to have complied with the procedural formalities which were found lacking. It was submitted that no sooner the completed proposal was submitted to the Department, the pension and retirement dues were paid to the petitioner. Shri Arolkar therefore submitted that delay, if any, is attributable to the respondent no. 5.

5. There is a delay in payment of pensionary dues. From the stand taken by the respondent no. 5 and the Department, it is seen that neither the respondent no. 5 nor the Department is claiming the responsibility for the delay. There may have been exchange of correspondence between respondent no. 5 and the Department for effecting compliances. No fault has been attributed to the petitioner.

It is the petitioner who has received the pension belatedly. The petitioner cannot be made to suffer for this delay.

6. In our opinion, the petitioner needs to be paid interest at the rate of 6 percent per annum on the delay of payment till the date of realization i.e. 15.03.2024 which will serve the ends of justice. The interest amount be paid initially by the Management-respondent no. 5 within a period of four weeks from today. The Management may move a proposal to the State Government for refund/reimbursement if it is their case that the delay is not on the part of the Management. The Education Department to consider the proposal on its own merits and in accordance with law.

7. The petition is partly allowed in the aforesaid terms. No order as to costs.

NIVEDITA P. MEHTA, J.

M. S. KARNIK, J.