
(2007) 05 RAJ CK 0020
In the Rajasthan High Court

Manmohan Sharma

APPELLANT

Vs

State of Rajasthan and Another

RESPONDENT

Date of Decision : 14-05-2007

Acts Referred:

Citation : (2007) 114 FLR 540

Hon'ble Judges : Asok Parihar, J

Bench : Single Bench

Judgement

Ashok Parihar, J.—The petitioner was initially appointed as Radio Mechanic Instructor in the Industrial Training Institute, Khetri, in the year 1968. The services of the petitioner were terminated vide order dated 10.11.1971. The above order of termination was set aside by this Court in S.B. Civil Writ Petition No. 584/1972 the this Court further/came, to be affirmed by Division Bench. Subsequently/another writ petition filed by the petitioner bearing S.B. Civil writ petition No. 3365/1987 also came to be allowed by this Court vide order dated 30th January, 2001 directing the respondents to treat the petitioner as confirmed on the post of Radio Mechanic Instructor from the date he completed maximum period of probation provided under the relevant rules. In the meanwhile, the petitioner had already been granted the benefits of seniority, selection scale and other service benefits. The petitioner stood retired from his services on reaching superannuation on 31.9.2001. But the retiral benefits were paid to the petitioner some where in the year 2005. Now the petitioner has prayed for payment of interest @ 18% on the delayed payment.

2. The facts as stated have not been disputed so far. The only reason for delayed payment has been that the petitioner failed to complete the formalities in time. There is nothing on record to show whether any notice was ever issued to the petitioner in regard to completing the required formalities. It is the duty of the officers concern to set all the formalities completed specially in regard to retired persons. The petitioner had already been made to suffer because of long pendency of litigation before this Court since 1971.

3. Having considered entire facts and circumstances, since no plausible reasons had been given by the respondents for delaying the payment of retiral and other benefits, the petitioner is held entitled for interest @ 10% per annum on the entire amount under different heads from the date of due till the date of actual payment made.

4. The respondents are further directed to pay Rs. 10,000/- (Ten thousand only) as costs to the petitioner. The interest as also cost be paid within 30 days from the date of receipt of certified copy of this order.

The writ petition is disposed of accordingly.