
(2009) 04 RAJ CK 0067
In the Rajasthan High Court

Rajendra Kumar Jain

APPELLANT

Vs

The State of Rajasthan and Others

RESPONDENT

Date of Decision : 21-04-2009

Acts Referred:

Citation : (2009) 04 RAJ CK 0067

Hon'ble Judges : Narendra Kumar Jain, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Narendra Kumar Jain, J.—Heard learned Counsel for the parties.

2. The only point involved in the present writ petition is about award of interest on delayed payment of arrear of annual grade increment after fixation in revised pay scale and other benefits to the petitioner. The petitioner, in his writ petition, prayed that an appropriate writ, order or direction be issued to the respondents directing them to pay interest or damages or compensation in lieu thereof at the rate of 18% per annum on delayed payment of increment, salary and allowance after fixation under the Revised Pay Scale Rules and other benefits paid from time to time from August, 1972 to December, 2001 till the date of payment. The petitioner has given the details of his dues and the date of payment and the amount paid to him on which he is claiming interest. Para No. 11 of the writ petition is reproduced as under:

11. That consequent upon issuing Annexures 8 to 12, by the respondent No. 3, and thereafter having made consistent efforts and endeavours by the petitioner, the following amounts towards the fixation, increment and other benefits which became due since 1972 were paid to the petitioner

Arrears due for payment of increment after fixation in pay scale Revised from

Payment date Amount paid

(i) August 72 to Feb. 75 18.01.2002 371.00

- (ii) March 75 to Feb. 1985 01.01.2002 2380.00
- (iii) March 85 to Feb. 1995 14.12.2001 133529.12
- (iv) March 95 to Feb. 2000 01.01.2001 192366.00
- (v) March 2000 to Dec. 2001 01.01.2000 99057.00

Total Rs. 449126.12

A notice to show cause was given to the respondents and in response thereto they filed reply to the writ petition wherein the contents of Para 11 of the writ petition were not seriously disputed. Para 10 of the reply, which relates to Para 11 of the writ petition, is reproduced as under:

"10. That the contents of Para No. 11 of the writ petition are not seriously disputed.

3. In view of the above quoted pleadings, it is clear that certain amount was due which was not paid in time by the respondents to the petitioner.

4. The submission of the learned Counsel for the petitioner is that the delay in payment of arrear of annual grade increment after fixation in pay scale occurred due to the negligence on the part of the respondents which should be compensated suitably while awarding a lump sum amount of compensation or interest thereon. The learned Additional Advocate General has not seriously opposed the writ petition and fairly and frankly contended that the petitioner is entitled for interest on delayed payment of his dues but his only submission is that a reasonable rate of interest may be allowed. So far rate of interest to be awarded on delayed payment is concerned, the learned Counsel for the petitioner submits that interest be awarded at the rate of 18% per annum whereas the learned Additional Advocate General contended that the interest be awarded at the rate of 6% per annum.

5. The Hon'ble Apex Court in S.R. Bhanrale Vs. Union of India and others, in the peculiar facts and circumstances of that particular case, directed the respondent/ Union of India to pay to the appellant a sum of Rs. 2,00,000/- towards interest, compensation, litigation expenses etc. for the amounts wrongfully withheld from the appellant for more than 12 years, in addition to the claim amount already paid to the appellant. In Vijay L. Mehrotra v. State of U.P. and Ors. AIR 2000 SC 3513, the Hon'ble Apex Court awarded interest on delayed payment of retiral benefits at the rate of 18% per annum. In B.L. Agrawal v. State of Rajasthan 2002 WLC (Raj) (UC) 1, a Division Bench of this Court awarded interest at the rate of 18% per annum on delayed payment in respect of retiral benefits.

6. So far as present case is concerned, the delay in making the payment of arrears is not in dispute. However, it is clear that the present case relates to arrears in respect of annual grade increment after fixation in revised pay scale and is not a case of withholding of retiral benefits of the petitioner. The learned Additional Advocate General has frankly conceded that a reasonable rate of

interest be awarded on delayed payment in the present case. After considering all the facts and circumstances of the case, I think it fit and proper to direct the respondents to pay interest to the petitioner on the delayed payment at the rate of 10% per annum from the due date till the date of actual payment.

7. Consequently, the writ petition is allowed. The respondents are directed to pay the interest to the petitioner at the rate of 10% per annum on delayed payment of arrears of annual grade increments after fixation in pay scale or any other dues, the details of which have been given in Para 11 of the writ petition, as quoted above.

8. The learned Additional Advocate General prays for three months time to comply with the order by making the payment of interest to the petitioner. The prayer is allowed. The respondents may make the payment of interest, as directed above, within a period of three months. Costs is made easy.