

(1995) 10 SC CK 0060

In the Supreme Court Of India

Case No : Civil Appeal No. 6135 of 1995

Union of India (UOI)

APPELLANT

Vs

N.L. Abhyankar and Others

RESPONDENT

Date of Decision : 31-10-1995

Acts Referred:

Citation : (1996) 1 MhLj 7

Hon'ble Judges : S.C. Agrawal, J;G.B. Pattanaik, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. This appeal is directed against the judgment of the High Court of Bombay, Nagpur Bench, dated December 16, 1994, passed in Writ Petition No. 1907/93 filed by the respondent. The respondent joined as a Judge of the Bombay High Court on October 6, 1962 and he retired on November 30, 1969. In the Writ Petition he sought directions requesting benefits of Death-cum-Retirement Gratuity (DCRG) along with interest @ 12% per annum. By the impugned judgment, the High Court has held that the respondent is entitled to the payment of DCRG with effect from the date of his retirement. The High Court has further directed payment of interest @ 12% on the said amount of gratuity from the date of retirement of the respondent till realisation upon the amount of DCRG payable to the respondent.

2. Shri Subba Rao, the learned counsel appearing for the appellant, has confined his submission to the question of interest that has been directed to be paid to the respondent since the amount payable as DCRG as per directions of the High Court has already been paid. Shri Subba Rao has submitted that though the respondent retired on November 30, 1969 the writ petition was filed only in July, 1993 and the High Court judgment was delivered on December 16, 1994 and that having regard to the fact that the respondent himself moved the Court by way of a writ petition only in July, 1993, the High Court was not justified in directing payment of interest from the date of his retirement and the interest

could at the most have been awarded from the date of the filing of the writ petition. We find merit in this contention.

3. The appeal is accordingly allowed to the extent that the interest on the amount of DCRG @ 12% per annum instead of being from the date of retirement of the respondent, shall be payable with effect from July 1, 1993. The appeal is allowed accordingly and the judgment of the High Court is modified to this extent. No costs.