
(2007) 02 MP CK 0088
In the Madhya Pradesh High Court

Urmila Devi Srivastava

APPELLANT

Vs

M.P. State Road Transport Corporation and Others

RESPONDENT

Date of Decision : 12-02-2007

Acts Referred:

Citation : (2008) 116 FLR 288

Hon'ble Judges : S.K. Gangele, J

Bench : Single Bench

Final Decision : Allowed

Judgement

S.K. Gangele, J.—Petitioner has filed this petition with regard to payment of post retiral benefits to her husband and also interest on the delayed payment.

2. The husband of the petitioner was working as Booking Agent in the establishment of respondent No. 1 and he was posted in the office of Depot Manager, Bhind. He died on 11.12.1996 when he was on duty, After the death of husband of the petitioner, the retiral benefits and other benefits have not been paid to her in spite of representations.

3. Respondents filed the return and also filed a document along with return showing the details with regard to payment of post retiral benefits of the husband of the petitioner to the petitioner.

4. As per the aforesaid statement certain amounts have been paid in the year 1997, 1998 and in the year 1999 and thereafter a major amount Rs. 63,293/- has been paid to the petitioner on 5.6.2006. With regard to delayed payment of Rs. 63.293/- on 5.6.2006 no cogent reasons have been given by the respondents, except the fact that the financial condition of the Corporation was bad and the Corporation framed a scheme with regard to payment of funds to its employees.

5. From the facts stated above, it is clear that there is a delay of near about 10 years in payment of retrial benefits to the petitioner The Hon"ble Supreme Court

in State of Kerala v. M. Padmanabhan Nair 1985 (50) FLR 145 , held asunder with regard to payment of retiral benefits and payment of interest by the employer:

This Court in M. Padmanabhan Nair case has held as under:

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 decision 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.

This judgment has been followed by the Hon"ble Supreme Court in R. Kapur v. Director of Inspection (Painting and Publication) Income Tax and Anr. 1994 (69) FLR 1137 (SC).

6. In the present case, in my opinion, the reasons staled by the respondents that their financial condition was not good cannot be held to be a proper ground with regard to withholding the benefit of post retiral benefits to the petitioner, who is a woman and her husband has been died during service. The delay is near about 10 years. In such circumstances, in my opinion, the petitioner is entitled to payment of interest on amount of Rs. 63.293/- which was paid to her on 5.6.2006.

7. Hence, petition of the petitioner is allowed to the extent that the petitioner would be entitled to receive interest on delayed payment of Rs. 63.293/- at the rate of 6% per annum. Necessary payment be made to the petitioner within a period of six weeks from the date of receipt of certified copy of this order.

8. It is made clear that it within the aforesaid period the amount has not been paid, petitioner would be entitled to receive additional amount of Rs. 500/-(Rs. Five Hundred) amount on each month thereafter.

C.C. as per rules.