

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. CIVIL WRIT PETITION NO.9099/06
Ramesh Chand Sharma vs. State & Ors.

Date of order : 27/2/2009.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Narendra Kumar for the petitioner.
Shri Zakir Hussain, Addl. Govt. Counsel for
the respondents.

This writ petition was filed by the petitioner with the prayer that the respondents be directed to make payment of interest of delayed payment of amount of leave encashment and also be directed to pay to the petitioner the amount of bonus of Rs.2,419/-.

The respondents in reply to the writ petition have submitted that delay occurred because the entry of accrued leave in relation to the year 1988-89, 1993-94 and 1997-98 was not made in his service book. During that period, the petitioner remained posted as Block Elementary Education Officer, Gangapurcity and therefore his service book was forwarded to the Block Elementary Education Officer, Gangapurcity vide letter dated 31.10.2005. The aforesaid

entry was made by the said Officer and the service book are submitted and thereafter payment of earned leave of 118 days was made to the petitioner on 12.1.01. With regard to bonus, it is contended that the pension pertained to the period 1997-98, at that time the petitioner was posted under the same officer and therefore he was entitled to receive the said amount from him only. The petitioner retired from service of the respondents on 30.6.01. The reason which the respondents have cited for delay in making of leave encashment cannot be solely attributable to the petitioner. Their reply even on the aspect of bonus is also very vague. In spite of the fact that this Court by its order dated 6.2.09 required the respondents to specifically inform as to if the payment of bonus has been made, no information has been given by the respondents.

Having regard to the facts of the case, the respondents are directed to pay to the petitioner interest on the amount of delay excluding the initial period of 60 days, from the date of retirement till actual

payment, at the rate of 9% per annum in terms of Rule 89 of the Rajasthan Civil Service (Pension) Rules, 1996. The respondents are also directed to pay the amount of bonus to the petitioner with interest as directed above, if the same has not been paid and if paid, the proof of same be provided to the petitioner.

Compliance of the judgement be made within a period of three months from the date of receipt of copy of this order by the respondents.

The writ petition is accordingly allowed.

(MOHAMMAD RAFIQ), J.

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