

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

ORDER

S. B. Civil Writ Petition No. 5900/2005
(Randhir Singh Solanki Versus State of
Rajasthan & Others)

Date of Order :: 29th May, 2009

PRESENT

HON'BLE SHRI JUSTICE NARENDRA KUMAR JAIN

Shri M. I. Beg for the petitioner(s)
Shri A. K. Bhargava) for the
Shri S. C. Purohit, Government Counsel) respondents

BY THE COURT:

The petitioner has filed an application for taking the additional affidavit on record. After considering the submissions of learned counsel for the parties, the application is allowed and the additional affidavit, filed therewith, is taken on record.

2. At the request of learned counsel for both the parties, the final arguments were heard in the writ petition and the same is being disposed of.

3. The petitioner filed this writ petition to issue appropriate writ, order or direction to the respondents to revise pension, gratuity, commutation and other retiral benefits after fixation in the selection scale, with arrears along-with 24% interest per annum on all retiral benefits due to the petitioner

from 21st September, 1987 to 30th June, 1996.

4. The petitioner in his additional affidavit dated 25th March, 2009 has stated that the respondents have paid arrears after fixation of the selection scale and consequential claims relating to retiral benefits etc. and the payment of Rs. 1,44,850/- has been made to the petitioner, but the University caused undue delay of 5 years in payment of retiral benefits and as such he is entitled to get interest. The petitioner has also stated that the respondents have made full and final payment of the retiral benefits towards gratuity etc. after fixation in the selection scale for the period from 21st September, 1987 to 30th June, 1996 but the University has paid retiral benefits too late i.e. after abnormal delay of more than five years, therefore, he is entitled for interest also.

5. In view of above additional affidavit of the petitioner, the learned counsel for the petitioner restricted his argument only with regard to award of interest on delayed payment.

6. Mr. Bhargava and Mr. Purohit, the learned counsel for the respondents opposed the prayer of petitioner about award of interest

and contended that petitioner was not even entitled for selection scale, but the same has been sanctioned and paid to him as he had already retired from his post, therefore, he is not entitled for any interest whatsoever on the amount of arrears paid.

7. I have considered the submissions of learned counsel for the parties.

8. So far as arrears after fixation of selection scale and consequential claims are concerned, the full and final payment has been made to petitioner and his only prayer remains with regard to interest on delayed payment of retiral benefits. Although the prayer has been opposed by the learned counsel for the respondents to award interest, but their only contention is that the petitioner was not entitled for any selection scale, but they have sanctioned and paid the same. It is not understandable that in case the petitioner was not entitled for selection scale, then why the same has been sanctioned and paid to him. The petitioner was entitled for selection scale and the respondents themselves sanctioned the selection scale and paid the due amount towards it to petitioner. In these circumstances, it cannot be assumed that petitioner has been

sanctioned selection scale only for the reason that he had already retired. In these circumstances, I do not find any force in the submissions of learned counsel for the respondents for not awarding the interest and I find that petitioner is entitled for interest on the delayed payment of retiral benefits.

9. After considering all the facts and circumstances, the writ petition is partly allowed and the respondents are directed to pay interest to the petitioner @ 8% per annum on delayed payment of retiral benefits from the date of filing of the writ petition i.e. 1st June, 2005 till the actual date of payment.

10. The learned counsel for the respondents Mr. Bhargava prayed for three months' time to pay the amount of interest. The prayer appears to be reasonable. Hence, the respondents may make the payment of interest within three months.

11. The parties are directed to bear their own costs.

(NARENDRA KUMAR JAIN), J.