

Court No. - 6

Case :- WRIT - A No. - 12642 of 2020

Petitioner :- Smt. Krishnawati

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Bramh Narayan Singh

Counsel for Respondent :- C.S.C.,Manu Singh

Hon'ble Ajay Bhanot,J.

Heard Sri Bramh Narayan Singh, learned counsel for the petitioner and learned Standing Counsel for the State respondents.

The retiral dues of the petitioner's deceased husband were disbursed to her after a long delay. The petitioner has made an application for grant of interest on the delayed payment. The husband of the petitioner died in harness. No dues certificate in regard to the deceased husband of the petitioner was issued by the competent authority on 14.03.2005 and verified on 18.08.2005 by the respective competent authorities. However the retiral dues were not paid to the petitioner. She was made to run from pillar to post. The petitioner instituted a writ petition before this Court in the year 2019. Despite directions issued by this Court the amount was not disbursed to her which caused the petitioner to file a contempt petition which was registered as Contempt Petition no. 7922 of 2019. Finally the amounts to which the petitioner was entitled upon death of her husband were disbursed on 23.12.2019.

The counter affidavit filed on behalf of the State records that the application was filed by the petitioner for release of the provident fund amount, family pension on 18.08.2005. No cause for the delay in processing the family pension and provident fund amount which is the entitlement of the petitioner is disclosed from the counter affidavit.

The delay in payment of the aforesaid amount (consequently this Court finds) is entirely due to the apathy of the respondents. The death of an employee renders the family destitute in more ways than one. Apart from losing emotional anchor, the sole bread earner was also lost by the family.

In these circumstances it is always expected that the State authorities should discharge their duties with promptitude and empathy as per law. To the contrary the authorities adopted a callous attitude to the plight of the petitioner. The deceased employee's family cannot be harassed for her entitlements by overbearing officials. The respondents are liable to pay interest on the delayed payment.

The narrative shall be fortified by authorities in point. In **Yogendra Singh Vs State of U.P. (2016 Law Suit (All) 3850)** this Court held thus:-

"i) Pension and other retiral benefits of all Government employees must be sanctioned / paid in terms of the Rules, 1995 on the eve of their retirement, if there is no legal

impediment.

ii) If there is any delay in the payment of retiral benefits and pension, the employee shall be entitled for the interest at the current market rate with effect from the date of his/her retirement till the date of actual payment. The interest on delayed payment shall be paid by the State Government. It will be open to the State Government to recover it from the officer/officials who are found to be guilty for negligence in payment of the pension. If such official is retired, the amount of the interest shall be recovered from his/her post retiral benefits/pension after furnishing him/her opportunity.

iii) It will be open to the State Government to initiate proceedings against such official for taking action for misconduct in terms of the Rules, 1995, if he is in service.

50. In view of the above, respondents are directed to pay the simple interest at the rate of 9% from the one month after the death of petitioners father till the date of actual payment to them and further to pay the GPF within a month ,if it has already not been paid, along with the interest at the rate of 9% as held above."

The aforesaid judgment was followed by this Court in **Sanjay Upadhyay and 5 others Vs State of U.P. and 3 others (Writ-A No. 459 of 2019).**

In the wake of preceding discussion and the authorities in point this Court finds that the respondents are liable to pay interest to the petitioner for the delayed payment for pension and other terminal dues of the deceased employee. The interest amount is fixed at 8 percent per annum (considering the rate of interest). The interest shall be payable from 18.08.2005 till 23.12.2019. The interest shall be calculated and released in favour of the petitioner

within a period of three months from the date of receipt of a certified copy of this order. In case the amount is not released within the aforesaid period the concerned official shall be held liable for the delayed payment of interest after expiry of three months.

The writ petition is allowed.

Order Date :- 12.11.2024

Pravin