Manorma Devi Vs. Coal India Ltd Through Its Chairman and Ors

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SooperKanoon Citation : sooperkanoon.com/70206

Court : Jharkhand

Decided On : May-03-2016

Appellant : Manorma Devi

Respondent : Coal India Ltd Through Its Chairman and Ors

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI W.P.(S) No. 1567 of 2015 --- Manorma Devi w/o Late Bhola Sah Resident of Muramkala, Tyre More, P.O. Gosa, P. S. & District - Ramgarh Petitioner Versus 1. Coal India Ltd. through its Chairman, 10, Netaji Subhash Chandra Road, P.O. Reserve Bank Building, P.S. Park Street, Kolkata 2. Central Coalfields Ltd. through its Chairman cum-Managing Director , P. O. & P. S. Kotwali, Darbhanga House, Ranchi 3. Personnel Manager, Sayal 'D' Colliery, C.C.L. Barka Sayal 'D', Area Ramgarh, P. O. Sayal, P.S. Patratu, District - Ramgarh 4. Regional Commissioner, Coal Mines, Provident Fund, Zone - 2, Station Road, P.O. and P.S. Chutia, Ranchi Respondents --- CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY --- For the Petitioner : Mr. P. P. N. Roy, Sr. Advocate For the C.M.P.F. : Mr. Prashant Vidyarthi, Advocate For the C.C.L. : Mr. Arpit Kumar, Advocate --- 06/03.05.2016 Heard Mr. P. P. N. Roy, learned senior counsel appearing for the petitioner, Mr. Prashant Vidyarthi, learned counsel appearing for the respondent no. 4-C.M.P.F. and Mr. Arpit Kumar, learned counsel appearing for the C.C.L. In this application the petitioner has prayed for a direction upon the respondent no. 4 to pay statutory interest as well as balance compensatory interest at the rate of 10% per annum in terms of the order dated 01.05.2013 passed in W.P.(S) No. 4932 of 2012. It has been submitted by the learned senior counsel for the petitioner that the husband of the petitioner had died on 12.12.2010 and after his death the petitioner being his widow was entitled to get the lump sum amount equivalent to hundred times full monthly pension in addition to the pension which is payable to the widow. Learned senior counsel submits that in the earlier round of litigation this Court had specifically ordered that if the amount as claimed by the petitioner is found genuine the same shall be paid to the petitioner with statutory interest within six weeks and if the same is not paid within the said period the petitioner shall be entitled to get compensatory interest at the rate of 10% which shall start from the date when the said amount became payable. -2- Learned senior counsel, therefore, submits that the calculation which has been made by the respondent no. 4 in the letter dated 24.07.2014 clearly reveals that the compensatory interest has been calculated from 15.06.2013 till the date of its payment and in view of the admitted fact that the amount was not disbursed to the petitioner within a period of six weeks as directed by this Court in W. P. (S) N o. 4932 of 2012 the petitioner has been deprived from her legitimate claim of interest and, therefore, the respondents be directed to recalculate the compensatory interest payable to the petitioner. Learned senior counsel has also submitted that so far as the statutory interest of pension is concerned, as has been indicated in the order dated 01.05.2013 the respondents have remained silent and nothing has been communicated to the petitioner with respect to the grant of statutory interest. Mr. Prashant Vidyarthi, learned counsel appearing for the respondent no. 4-C.M.P.F., has submitted that pursuant to the order dated 01.05.2013 passed in W.P.(S) No. 4932 of 2012 the respondent no. 4 had already issued the letter date 24.07.2014 and as per the calculation the difference amount of Rs. 87,864/- was paid to the petitioner towards full and final settlement of the claim. It has been submitted that so far as the statutory interest is concerned there is no provision for the same and therefore, no indication has been made in the letter dated 24.07.2014. Learned counsel, therefore, submits that since the calculation has been made with respect to the interest at the rate of 10% from the date it had fallen due till the date it was paid, the petitioner does not have any claim whatsoever with respect to a further claim of compensatory interest as well as statutory interest. Since the petitioner was aggrieved by the action of the respondents in not providing her with the lump sum amount under the Pension Scheme she had filed a writ application being W. P.(S) No. 4932 of 2012 which was disposed of on 01.05.2013 directing the respondent no. 4 herein to consider the claim of the petitioner and pass appropriate order in accordance with law within a period of six weeks from the date of receipt/production of a copy of this order. It was -3- further indicated therein that if the petitioners claim is found genuine the admissible amount shall be paid to the petitioner with statutory interest within six weeks thereafter and if the amount is not paid within the period indicated the petitioner was entitled to get compensatory interest at the rate of 10% per annum from the date the amount was payable till the date of final payment. The petitioner had represented the respondent no. 4 pursuant to the order dated 01.05.2013, on 21.01.2013 which was received by the respondent no. 4 on 21.05.2013 itself. From the letter dated 24.07.2014 of the respondent no. 4, it appears that the claim of the petitioner with respect to hundred times full pension in terms of the scheme was processed and it was sent to the State Bank of India on 22.04.2014. Subsequently on the representation of the petitioner with respect to the statutory interest as well as 10% of compensatory interest as admittedly the amount was not deposited in the account of the petitioner within the time framed by this Court in its earlier order the same was reassessed and recalculated and ultimately difference amount of Rs. 87,864/- was paid to the petitioner against the full and final settlement of the claim. From the averment made in the writ application as well as from the contents of the letter dated 24.07.2014 issued by the respondent no. 4, it appears that the amount towards hundred times full monthly pension of the husband of the petitioner was not deposited within the time limit of six weeks. It is an undisputed fact that the interest at the rate of 10% was calculated from 15.06.2013 to 31.03.2014 i.e. the date on which the amount was transferred to the account of the petitioner. Perhaps the respondent no. 4 had misinterpreted and misconstrued the operative portion of the order dated 01.05.2013 as the payment of compensatory interest was to have been made from the date when the same became payable if the amount as claimed was not paid to the petitioner within the period of six weeks as had been directed earlier. The circumstances enumerated above thus show that the respondent no. 4 had neither considered the representation of the petitioner nor the order dated 01.05.2013 passed in W.P.(S) No. 4932 of 2012 in its true spirit while issuing the letter dated 24.07.2014. In such -4- circumstances, therefore, the matter is remitted back to the respondent no. 4 who shall take a fresh decision on the compensatory interest at the rate of 10% which is to be payable to the petitioner from the date the same became due and after reassessment and on proper consideration of the order dated 01.05.2013 passed in W.P.(S) No. 4932 of 2012 shall pass a reasoned and speaking order within a period of twelve weeks from the date of receipt/production of a copy of this order. The respondent no. 4 shall while reconsidering the claim of the petitioner for compensatory interest at the rate of 10% per annum from the date the amount was payable also look into the fact as to whether any provisions exist for payment of statutory interest as has been indicated in the said order and the order which has been directed to be passed by the respondent no. 4 shall also indicate consideration of the existence/non-existence of statutory interest. It goes without saying that if on reassessment and on reconsideration any further amount is payable to the petitioner the same shall be made available to her within six weeks from the date the reasoned order is passed. This writ application is disposed of. (R. Mukhopadhyay, J.) Umesh/-