

Kailash Behari Mathur Vs. District and Session Judge

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SooperKanoon Citation : sooperkanoon.com/772942

Court : Rajasthan

Decided On : Feb-26-2007

Reported in : [2007(113)FLR559]

Judge : Prem Shanker Asopa, J.

Appellant : Kailash Behari Mathur

Respondent : District and Session Judge

Judgement :

Prem Shanker Asopa, J.

1. By this writ petition, the petitioner is seeking appropriate writ, order or direction to the respondents to provide all retiral benefits comprising of gratuity, commutation value and full pension and further seeks direction to provide arrears towards the retiral benefits along with interest @ 18% per annum.

2. Counsel for the petitioner submits that arrears of pension and other retiral benefits have been paid during pendency of the writ petition and now the surviving grievance is non-payment of interest with regard to gratuity and commutation which have been delayed for a substantial period of 2 years 8 months and 19 days.

3. Counsel for the respondent has justified the same account of initiation of enquiry after retirement.
4. Further submission of the petitioner is that the inquiry has not been initiated.
5. Heard Counsel for the parties and gone through the contents of the writ petition and further considered rival submissions of the parties.
6. I am of the considered view that there was no justifiable reason for withholding of gratuity, commutation and arrears of pension and there was considerable delay in making the payment of gratuity and commutation of 2 years 8 months, therefore, the petitioner is entitled for interest at the rate of 9% per annum.
7. Accordingly, the writ petition is partly allowed. The respondents are directed to make the payment of interest @ 9% per annum of gratuity and commutation for the period of 2 years and 8 months. The said amount of interest be paid within two months from the date of submission of certified copy of this order.