



**IN THE HIGH COURT OF MADHYA PRADESH  
AT Indore**

**BEFORE**

**HON'BLE SHRI JUSTICE SUBODH ABHYANKAR**

**ON THE 4<sup>th</sup> OF NOVEMBER, 2024**

**WRIT PETITION No. 2857 of 2015**

***PREM SINGH CHOUHAN***

*Versus*

***COMMERCIAL TAXES DEPARTMENT AND OTHERS***

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**Appearance:**

*Shri L. C. Patne - Advocate for the petitioner.*

*Shri Vishal Singh Panwar – G.A./P.L. for respondents/State.*

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**ORDER**

- 1] Heard finally, with the consent of the parties.
- 2] This writ petition has been filed by the petitioner under Article 226 of the Constitution of India, seeking the following reliefs:-

- (a) To call for the relevant record of the case from the respondents;
- (b). To quash the impugned rejection order dated 21-6-2013 (Ann. P/7) issued by respondent No.2, by a writ of certiorari or any other appropriate writ, direction or order;
- (c) To direct the respondents to make payment of interest to the petitioner @ 12% per annum on the amounts of retiral dues, by a Writ of Mandamus or any other appropriate writ, order or direction;
- (d) To allow this petition with costs;
- (e) To pass such other order(s) as may be deemed appropriate in the facts and circumstances of the case, to grant relief to the petitioner.”

- 3] The grievance of the petitioner is that despite being exonerated in two departmental enquiries in the month of April, 1999, whereas the petitioner stood retired on 31.01.1997, the respondents have not paid the



interest on the delayed payment of his retiral benefits, whereas this Court, in the earlier round of litigation in **R.P. No.243 of 2012**, decided on **05.04.2013**, categorically held that if it is found that the delay is on the part of the petitioner, in that case, he would not be entitled for any interest.

4] Counsel for the petitioner has submitted that apparently there is no finding recorded by the respondents that the delay in the two departmental enquires was caused by the petitioner and in such circumstances, the petitioner is entitled to receive the interest on his retiral dues. In support of his submissions, Shri L.C. Patne, learned counsel for the petitioner has also relied upon a decision rendered by the Division Bench of this Court in the case of State of **M.P. & Ors. Vs. R.P. Joshi & Ors.** reported as **2001 (1) M.P.L.J. 467 para 20**. Thus, it is submitted that in the present case also no delay is attributed to the present petitioner, hence he is entitled to receive interest on the delayed pensionary benefits.

5] Counsel for the State, on the other hand, has opposed the prayer. A reply has also been filed by the State, however, there is no reference of any delay caused by the petitioner himself in the departmental enquires, which were conducted against him.

6] In such facts and circumstances, this Court is of the considered opinion that the decision rendered by this Court in the case of **R.P. Joshi & Ors. (supra)** would be applicable in full force in the facts of the case in hand also, para 20 of which reads as under:-

“20. We are of the considered opinion that the provisions in question which are sought to be relied upon by the learned Government Advocate have to be viewed in a manner which would advance the object behind them. The State Government itself had taken a decision to provide payment of interest for the period of



delay in making the payment of the amount due to a retiring employee. It is not the case of the petitioner that the amount had not become due on the date of retirement of the respondent No. 1. It is also not the case of the petitioner that for the continuance of the misconceived disciplinary proceedings which ultimately resulted in the order exonerating the respondent No. 1 from all the charges levelled against him he was responsible in any manner. Further, on the own showing of the petitioner, but for the delay in concluding the disciplinary proceedings he would have been paid the amount on the date when it fell due.”

(Emphasis supplied)

7] In view of the same, in the absence of any delay on the part of the petitioner in the departmental enquires, this Court is inclined to allow the present petition. Accordingly, the petition stands allowed, and the impugned order dated 21.06.2013 is hereby quashed. Consequently, the respondents are directed to make payment of interest to the petitioner @ 8% per annum on the amounts of retiral dues within a period of three months from the date of receipt of certified copy of this order.

8] With the aforesaid, the petition stands **allowed** and **disposed of**.

**(SUBODH ABHYANKAR)**  
**JUDGE**

Pankaj