



2026:CGHC:27353



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2004 of 2022

- Dr. Vibha Bajpai W/o Late Dr. P.K. Bajpai, Aged About 66 Years R/o Quarter No. 9A, Avenue - B, Sector-2, Bhilai, District Durg, Chhattisgarh.
... **Petitioner**

versus

1. State Of Chhattisgarh Through Secretary, Department Of Labour, Mahanadi Bhawan, Naya Raipur, Raipur Chhattisgarh.
2. Employees State Insurance Services, Through Medical Insurance Officer, Zone-2, School No. 24, Sector, 11, Kursipar, Bhilai, District Durg, Chhattisgarh.
3. Treasury, Account And Pension Through Director, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
4. Divisional Director, Treasury, Account And Pension, Durg, District Durg, Chhattisgarh.

... **Respondent(s)**

For Petitioner	: Ms. Priyanka Bajpai, Advocate holding the brief of Ms. Surya Kawalkar Dangi, Advocate
For State	: Mr. Keshav Gupta, Government Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

03.07.2026

1. By way of this petition, the petitioner has sought the following relief(s):-

“10.1 That the Hon'ble Court may kindly be pleased to direct respondent authorities to pay an interest @ 12% p.a. for the delayed payment of pension, gratuity and other retiral dues.

10.2 That the Hon'ble Court may kindly be pleased to impose the cost of Rs. 1,00,000/- on the erring officer for causing mental harassment to



the petitioner, as the petitioner on many occasions has met the respondent authorities in person for release of her retiral dues.

10.3 Any other relief, which this Hon'ble Court deems, fit in the facts and circumstances may also be granted in favor of the petitioner.”

2. Learned counsel for the petitioner would argue that the petitioner was an Insurance Medical Officer (First Class) and she got retired from services after attaining age of superannuation on 31.05.2020. She would submit that on the date of retirement, no departmental enquiry or criminal case was pending against her, but without any sufficient reason retiral dues including pension, gratuity, leave encashment, group insurance were delayed for a period up to 19 months. She would contend that the petitioner is entitled for interest for delayed payment of retiral dues. She has placed reliance on the judgment passed by the Hon'ble Supreme Court in the matter of ***Vijay L. Mehrotra vs. State of U.P.*** reported in ***(2001) 9 SCC 687***, ***State of U.P. vs. Dhirendra Pal Singh*** reported in ***(2017) 1 SCC 49*** and judgment passed by the Coordinate Bench in the matter of ***Shyam Dev vs. State of Chhattisgarh*** passed in ***WPS No.5256 of 2016***.
3. On the other hand, learned counsel appearing for the State would oppose. Mr. Keshav Gupta, Government Advocate would submit that till date of retirement, petitioner herself was the Drawing and Disbursing Authority and all the documents for sanction and disbursal of retiral dues were forwarded by the petitioner herself, and therefore, an objection was raised by the Joint Director, Treasury, Accounts and Pension on 31.08.2020. He would submit that on 29.12.2020, the petitioner made a representation before the department and on 06.01.2021, the petitioner was duly intimated with regard



to objection raised. He would submit that on 05.02.2021 anticipatory pension was released in favour of the petitioner along with arrears from month of June, 2020 till January, 2021. He would submit that other retiral dues were paid immediately thereafter. He would submit that as the petitioner herself was Drawing and Disbursing Authority, she should have obtained approval from the higher authorities and that was the reason, delay occurred in payment of dues. It is also contended that on the date of retirement of the petitioner there was Covid-19 outburst and that was another reason, payment could not be made expeditiously. He would submit that this petition deserves to be dismissed.

4. I have heard learned counsel for the parties and perused the documents placed on record.
5. The Hon'ble Supreme Court in the matter of ***Vijay L. Mehrotra*** (supra) held that retiral benefits are required to be released on the date of retirement or within a reasonable time thereafter. An employee, after rendering long years of service, cannot be made to suffer due to administrative delay in the disbursement of pensionary benefits. Where there is no satisfactory explanation for the delay, the retiree is entitled to interest on the delayed payment as compensation for the deprivation of the use of money lawfully due to him.
6. The Hon'ble Supreme Court in the matter of ***Dhirendra Pal Singh*** (supra) held that pension and other retiral benefits are valuable statutory rights and not a matter of bounty. Where the employer unjustifiably withholds or delays the payment of retiral dues, the retired employee is entitled to interest. The Court reaffirmed that the State cannot deprive a retired employee of timely



payment of pensionary benefits without lawful justification and that delay in disbursement must ordinarily be compensated by payment of interest.

7. The Coordinate Bench in the matter of *Shyam Dev* (supra) held that unexplained delay in disbursement of retiral dues entitles an employee to interest and respondents were directed to release the pensionary and retiral benefits along with interest for the delayed payment.
8. The petitioner has prepared a chart depicting payment dates of various retiral dues and same is reproduced herein-below :-

Date	Particular	Amount	Delay
06.12.2021	Pension	Rs. 98,460/- per month	19 months
11.11.2021	Gratuity	Rs. 18,00,000/-	18 months
13.07.2020	Leave Encashment	Rs. 17,64,400/-	2 months
13.07.2020	Group Insurance Scheme	Rs. 1,19,958/-	2 months
27.10.2020	7th Pay Arrears and 3rd Time-Bound Arrears	Rs. 3,03,282/-	5 months
11.01.2021	Family Welfare Policy	Rs. 52,883/-	7 months
15.01.2021	General Future Policy	Rs. 13,47,282/-	7 months

9. In the present case, the petitioner has not filed rejoinder to the return filed by the State. The petitioner has not disputed the fact that she was Drawing and Disbursing Authority and she herself forwarded necessary documents for payment of retiral dues. An objection was raised by the Joint Director, Treasury, Accounts and Pension and an application was also moved by the petitioner, and thereafter, the dues were cleared. It is also admitted fact that on the date of retirement there was Covid – 19 outburst and the delay caused in payment of retiral dues does not appear inordinate. The amount of leave encashment, Group Insurance Scheme were paid after two months and five



months from date of retirement. The arrears of 7th pay and 3rd time bound pay scale was paid after five months, amount of Family Welfare Policy and General Future Policy were also paid after seven months, anticipatory pension was granted in the month of January, 2021. The final pension payment order (PPO) was issued on 06.12.2021. In my opinion, the reasons with regard to delayed payment of retiral dues have already been explained by the respondent authorities and appear to be justifiable. Accordingly, this petition fails and is hereby **dismissed**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Siddhant