



2026:CGHC:21127



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5881 of 2023

Pankaj Jaiswal S/o Late Kashinath Jaiswal, Aged About 38 Years R/o Ward No. 6 Buddha Tola Road Post Office Ramanujganj Near Sharda School, Tehsil Ramanujganj And District Balrampur Chhattisgarh.

... Petitioner.

Versus

1 - State Of Chhattisgarh Through Secretary Town And Urban Administration And Development Indrawati Bhawati Block-D, Fourth Floor, Atal Nagar Raipur, Chhattisgarh (As Per Hon'ble Court Order Dated 30-04-2025)

2 - Joint Director Town And Urban Administration And Development Indrawati Bhawati Block-D, Fourth Floor, Atal Nagar, Raipur, Chhattisgarh (As Per Hon'ble Court Order Dated 30-04-2025)

3 - The Nagar Palika Ramanujganj, Through Chief Municipal Officer, Nagar Palika Bhawan Ramanujganj

... Respondents.

(cause title downloaded from CIS Periphery)

For Petitioner	:	Mr. Aishwarya Kumar Dubey, Advocate.
For Res No.1 and 2	:	Ms. Vartika Shrivastava, Panel Lawyer.
For Respondent No.3	:	Mr. Siddharth Sharma, Adv on behalf of Mr. Suyash Dhar Badgaiyan, Advocate.

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order on Board

06/05/2026



1. This Writ Petition under Article 226 of the Constitution of India has been filed for the followings reliefs:-

"A. That this Hon'ble Court may kindly be pleased to call the entire records pertaining to the case of the Petitioner from the concerned department of the Respondent herein.

B. That this Hon'ble Court may kindly be pleased to issue an appropriate Writ or order directing the Respondent department to implement Learned Collectors order and calculate and disburse the salary, pension, gratuity provident funds including the increase in pay as per government policies from time to time within stipulated time.

C. That this Hon'ble Court may kindly be pleased to issue an appropriate Writ or order directing the Respondent department to pay 50% of pension from the date of death of father of the Petitioner till the date of Demise of Petitioners mother.

D. That this Hon'ble Court may kindly be pleased to issue an appropriate Writ or order directing the Respondent department to provide damages and one time settlement for the major treatment of deceased father and mother of Petitioner which is normally provided to the government employees.

E. That this Hon'ble Court may kindly be pleased to issue an appropriate Writ or order directing the Respondent department to provide adequate compensation to the Father of Petitioner's heirs for the immense pain, suffering, and financial loss endured due to their wrongful actions.

F. The Hon'ble Court may further be pleased to pass any other order in favour of petitioner as it may deems fit and proper under the facts and circumstances of the case along-with cost."

2. Shorn of unnecessary details, the brief facts of the present petition as projected by the petitioner are that late Shri Kashinath Jaiswal, father of the petitioner, was initially appointed on the post of Junior Divisional Clerk on 30.01.1967 in the Department of Nagar Panchayat, Ramanujganj. On



04.12.1967, he was promoted to the post of Chief Municipal Officer (CMO) and remained in the said post until 22.06.1970, when he was demoted to the post of Junior Divisional Clerk. On 28.07.1971, he was dismissed from service. Thereafter, in March 1988 he (late Kashinath Jaiswal) was reinstated in service. Subsequently, in March 1999, he was again dismissed from service but was reinstated in June 1999. Thereafter, on 20.07.2001, he was compulsorily retired from the post of Junior Divisional Clerk. However, in an appeal filed by late employee Kashinath, vide order dated 08.02.2002, the Collector, Ambikapur, set aside the order of compulsory retirement. Against the said order, Nagar Panchayat, Ramanujganj, preferred an appeal before the Commissioner, Bilaspur Division, in which the order of the Collector was stayed vide order dated 22.03.2002. Later on, the said appeal was dismissed by the Commissioner for want of prosecution on 06.03.2017. During the said period, late Kashinath Jaiswal suffered from cancer, therefore, he requested the Department to release his retiral dues, as he had retired from service on 30.06.2008. After the death of late Kashinath Jaiswal and his wife, late Shyamkali Devi, their son (the present petitioner) filed the present petition.

3. Learned counsel for the petitioner, referring to the main petition as well as the rejoinder, submits that the order of compulsory retirement of late Shri Kashinath Jaiswal dated 20.07.2001 was set-aside by the concerned Collector on 08.02.2002 (Annexure-P/4). In the said order, the Collector directed that the intervening period i.e., from 20.07.2001 till 08.02.2002 shall be treated as period of leave. Therefore, after the order of the Collector, father of the petitioner immediately tried to join service, but the respondent/Authority did not permit him to join. Learned counsel submits that ultimately, father of the petitioner retired from service on 30.06.2008.



4. Learned counsel further submits that the petitioner, after the death of his father and mother, filed the present petition, and only when the order was passed by this Hon'ble Court, pensionary benefits i.e. leave encashment, provident fund, and gratuity were paid to the petitioner and his brother in the year 2025. However, the petitioner is also entitled to arrears of wages/salary for the period from 20.07.2001 till 30.06.2008. He also submits that since there is a delay of about 17 years in payment of the aforesaid pensionary benefits, the petitioner is entitled to interest @ 18% per annum for the delayed payment of the aforesaid amount until the date of actual payment. In support of his contention, he places reliance on the order passed by this Court in **Punarad Prasad Baghel Vs. State of CG and others (WPS No.5231/2011)** wherein this Court, in light of the judgment passed by the Hon'ble Supreme Court in **Vijay L. Mehrotra Vs. State of UP and others (2001) 9 SCC 687**, granted the benefit of 18% interest per annum to the petitioner employee therein looking to the inordinate delay of 14 years in the payment of pensionary benefits. In view of such submissions, learned counsel for the petitioner prays for a direction to the respondents/Authorities to grant arrears of wages/salary for the period 20.07.2001 till 30.06.2008 and interest @ 18% per annum for the delayed payment of pensionary benefits from the date of retirement i.e. 30/06/2008 till the date of actual payment.
5. On the other hand, learned counsel for respondent No.3, who is the main contesting party, referring to its reply, submits that after filing of the instant writ petition and in compliance with the order passed by this Hon'ble Court on 24.02.2025, the respondents/Authorities paid Rs.45,840/- for leave encashment, arrears of pension/family pension to the tune of Rs.10,67,491/-, and gratuity of Rs.94,512/- in the month of March 2026,



documents of which are also filed with the reply. He further submits that the aforesaid amounts have been disbursed in favour of the petitioner and his brother, as their mother Shyamkali Devi had died. Learned counsel, further referring to document Annexure-R1/2 filed by the State, would submit that after the order of the Collector dated 08.02.2002 (Annexure-P/4), late Kashinath Jaiswal appeared on 21.02.2002. However, thereafter he remained absent without any intimation or leave application. Hence, an order of 'no work no pay' for the period '23.07.2001 to 30.06.2008' was passed by the Nagar Panchayat, Ramanujganj, in a resolution dated 25.08.2022 (Annexure-R1/2).

6. Learned counsel for respondent No.3 further submits that since the father of the petitioner himself was absent from duty for the aforesaid period, the petitioners are not entitled to receive any salary or wages on the principle of 'no work no pay'. He also submits that since there was a stay order passed by the Commissioner, Bilaspur on 22.03.2002 (Annexure-P/5), against the order of the Collector dated 08.02.2002, therefore, the pensionary amount was not disbursed in favour of the deceased employee or his wife. Hence, the petitioner is not entitled for any interest or wages and prays to dismiss the writ petition.
7. Learned counsel for respondents No.1 and 2/State has filed its reply and supported the submissions made by the counsel for respondent No.3.
8. Heard learned counsel for the parties and perused the documents available on record.
9. It is not in dispute that the instant writ petition has been filed by the petitioner as a legal heir after the death of his father late Kashinath Jaiswal and mother late Shyamkali Devi. On 24.02.2025, this Court directed to



release the retiral dues of the late employee. In compliance of said order, Rs.45,840/- in respect of leave encashment, Rs.10,67,491/- as arrears of pension and Rs.94,512/- in respect of gratuity have been paid to the petitioner and his brother. Now, the petitioner's grievance is for grant of arrears of wages/salary for the period 20.07.2001 till 30.06.2008 and interest @ 18% per annum for the delayed payment of pensionary benefits from the date of retirement i.e. 30.06.2008 till the date of actual payment.

10. As per the pleadings of the parties, late Kashinath Jaiswal retired on 30.06.2008. He died on 15.07.2011 and his wife, late Shyamkali Devi died on 17.04.2021. From perusal of letter dated 18.03.20025 Annexure-R3/1 filed by respondent No.3 with its reply, it is apparent that leave encashment was paid to the petitioner and his brother, namely Vinay Kumar Jaiswal, through a cheque dated 18.03.2025 to the tune of Rs.45,840/- in proportionate manner. Further, from perusal of the letter dated 26.03.2025 (Annexure-R1/1) filed along with the reply of the State, it is apparent that gratuity and arrears of pension/family pension were paid to the petitioner on 26.03.2025 to the tune of Rs.11,62,003/-. Thus, it is evidently clear that though the retiral dues of late Kashinath Jaiswal have been paid but it has been paid after a delay of about 16 years and 8 months after the order passed by this Court during the pendency of writ petition.
11. It is well-settled law that in the case of an employee retiring after having rendered service, it is expected that all payments of retiral benefits should be made on the date of retirement or soon thereafter, if due to unforeseen circumstances the payments could not be made on the date of retirement. The above observation was made by the Hon'ble Supreme Court in the case



of Vijay L. Mehrotra (Supra), where, while allowing the appeal of the appellant, the Hon'ble Supreme Court made the following observation:

"3. In case of an employee retiring after having rendered service, it is expected that all the payment of the retiral benefits should be paid on the date of retirement or soon thereafter if for some unforeseen circumstances the payments could not be made on the date of retirement.

4. In this case, there is absolutely no reason or justification for not making the payments for months together. We, therefore, direct the respondent to pay to the appellant within 12 weeks from today simple interest at the rate of 18 per cent with effect from date of her retirement i.e. 31-08-1997 till the date of payments.

5. The appeal is allowed to the above extent."

12. The aforesaid proposition has also been relied on by this Court in the case of Punarad Prasad Baghel (Supra), where, after an inordinate delay of 14 years in the payment of pensionary benefits, this Court held as under:

"8. In Dr. Uma Agrawal Vs. State of U.P. & another ((1999) 3 SCC 438), Vijay L. Mehrotra Vs. State of U.P. & others {(2001) 9 SCC 687, S.K. Dua Vs. State of Haryana and another {(2008) 3 SCC 44), State of Kerala and others Vs. M. Padmanabhan Nair {(1985) 1 SCC 429 and R. Kapur Vs. Director of Inspection (Painting and Publication) Income Tax and another (1994) 6 SCC 589 , it has been held that when retiral dues have not been paid by the employer for a considerable period, the retired Government servant is entitled to interest.

9. Ordinarily, this Court is allowing interest at the rate of 9% where the pension payment has been delayed for a year or two, however, when the apathy and negligence is stinging and palpable, making the employee to suffer for 14 years without payment of pension and gratuity, in the special facts of the case and seeking guidance from the judgment of Hon'ble Supreme



Court in the matter of Vijay L. Mehrotra (Supra), this Court is of the considered opinion that the writ petition deserves to be and is hereby allowed and the petitioner is held entitled for simple interest @ 18% per annum for delayed payment of amount of pension, gratuity etc. from the date of retirement till the date of actual payment."

13. In view of the settled legal position and the inordinate delay of about 16 years and 8 months in paying the leave encashment, gratuity, and pension/family pension as discussed in preceding paragraph, this Court is of the view that such delay is completely unjustified. For such long delay, the petitioner cannot be made to suffer for the department's negligence. Accordingly, the petitioner/legal heir of late employee are entitled to receive interest on aforesaid delayed payments from the date of retirement of late employee Kashinath i.e. 30.06.2008 until the actual date of payment.
14. However, so far as the claim of the petitioner with regard to arrears of wages/salary from 20-23.07.2001 till 30.06.2008 (date of retirement) is concerned, the petitioner has not filed any document to demonstrate that after the order dated 08.02.2002 (Annexure-P/4) passed by the Collector setting aside the order of compulsory retirement, the late employee had ever joined his services. Although as per the resolution dated 25.08.2022 (Annexure-R1/2) passed by the President-in-Council, Nagar Panchayat Ramanujganj, late employee Kashinath was present on 21.02.2002, but he remained continuously absent from his duties without any intimation after the said date. Further, it is also contended by counsel for the petitioner that the late employee intended to join the duties but was denied by the respondents/authorities, however, no document has been filed in support of such contention as, if he was not permitted to join, he may have filed



application to the Higher Authorities or may have filed writ petition etc. but he did not do so. Therefore, looking to the aforesaid resolution and since no document has been filed by the petitioner to support such contention, the stand taken by respondent No. 3 that the petitioner is not entitled to payment for the aforesaid period on the basis of the 'no work no pay' principle cannot be denied. Thus, the claim of the petitioner for payment of wages/salary from July 2001 till 30.06.2008 is not found sustainable. Hence, the same is hereby rejected.

15. In the result, since the petitioner/legal heir of late employee Kashinath Jaiswal is found entitled to get interest for the delayed payment of pensionary benefits, looking to the inordinate delay of 16 years and 8 months and further considering the law laid down by the Hon'ble Supreme Court in **Vijay L. Mehrotra (Supra)** as well as by this Court in **Punard Prasad Baghel**, it is directed that the respondents/authorities shall pay simple interest @ 18% per annum for the delayed payment of the amount of pension/family pension, gratuity, and leave encashment etc., from the date of retirement of late employee Kashinath i.e. 30.06.2008 till the date of actual payment.
16. The amount of interest shall be paid to the petitioner/legal heirs of the late employee within a period of 4 months from the date of receipt of copy of this order.
17. With the aforesaid observations and directions, this writ petition is allowed to the extent indicated above.

Sd/-

(Naresh Kumar Chandravanshi)
Judge

Ajay