



CMP No.10520 of 2021 in
LPA No.95 of 2017

06.09.2021 Present: Mr. Balram Sharma, Assistant Solicitor General of India, for the appellants.

Mr. R.L. Chaudhary, Advocate, for respondent No.1.

Mr. Ashok Sharma, Advocate General with Mr. Ranjan Sharma, Mr. Vikas Rathore and Ms. Ritta Goswami, Additional Advocate Generals, for respondents No.2 to 4/State.

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A cheque bearing No.360835, dated 27.08.2021, has been paid in the name of the applicant Smt. Brahmi Devi, for a sum of Rs.24,28,982/-. A memo of calculation has also been produced. The same is disputed by the applicant's counsel through this application, claiming interest w.e.f. 04.04.1974.

2. On hearing the learned counsels, we do not find any merit in this application. The order of the learned Single Judge, passed on 29.09.2016, in CWP No.4418 of 2015, titled *Brahmi Devi versus Union of India and others*, is quite clear. The said order of the learned Single Judge is upheld by this Court in LPA No.95 of 2017, decided on 05.08.2021.

3. The learned Single Judge, while granting relief to the writ petitioner, held that the petitioner is entitled for the pension w.e.f. 04.04.1974. It was further held that in case the said pension is not paid within eight weeks, the respondents are liable to pay 9% interest. Therefore, the said order would

indicate that the respondents are liable to pay 9% interest from the expiry of eight weeks from the date of the said order. The order of the learned Single Judge is dated 29.09.2016. Eight weeks expired on 28.11.2016. Since the payment has not been made before the said date, the respondents are liable to pay 9% interest on the arrears from 28.11.2016 onwards. The request of the writ petitioner for interest on arrears w.e.f. 04.04.1974, is misconceived. Hence, the application is dismissed.

4. Learned counsel for the appellant, submits that though certain excess payments due to error of the calculation of interest have been made, the appellant do not intend to recover the said amount from the respondent. Consequently, the order passed by the learned Single Judge in CWP No.4418 of 2015, dated 29.09.2016, titled *Brahmi Devi versus Union of India and others*, stands complied with. Matter stands closed.

**(Ravi Malimath)
Acting Chief Justice**

**(Jyotsna Rewal Dua)
Judge**

September 06, 2021
(Yashwant)