

GOA HUMAN RIGHTS COMMISSION
PANAJI –GOA

Proceeding No.48/2022

DAILY PROCEEDING SHEET

07/09/2022
Sr. No.4

Complainant absent.

Shri Agnelo Fernandes, the Commissioner, is present on behalf of the Respondent.

Arguments heard.

Inquiry Report passed:

The Complainant, Shri John Abreu, retired as a Municipal Engineer, Grade-I, on 31/12/2019. He received his Retirement Benefits only on 12/08/2021, but no interest was paid to him. As such, he approached this Commission by his complaint dated 28/02/2022.

In their reply, the Respondent, the Commissioner, Corporation of the City of Panaji, agreed in principle that the interest at the rate of 3% per annum on the principal amount is to be paid.

In Pranesh Kumar Kar vs. The State of West Bengal and others, 2022 LiveLaw (Cal) 221, decided on 19th May 2022, it was held by the Calcutta High Court that it is the bounden duty of the State to disburse the gratuity and pension amount on the due date. It further held that if the State has failed to do so and has released such amount after unexplained delay, it is obliged to pay interest at the rate of 5% per annum.

In the facts of the present case, the Commission recommends that the Respondent, the Commissioner, Corporation of the City of Panaji, pay the Complainant, interest calculated of the period from 31/12/2019 to 11/08/2021, at the rate of 5% per annum on the delayed payment of the principal amount of the retirement benefits of the Complainant.

Copy of the Inquiry Report be sent to the Respondent, calling for their comments, including the action taken or proposed to be taken within a period of 60 days or on or before 07/11/2022, in terms of Section 18(e) of the Protection of Human Rights Act, 1993.

Sd/-
(Desmond D'Costa)
Member
Goa Human Rights Commission

Sd/-
(Pramod V. Kamat)
Member
Goa Human Rights Commission