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IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 202 OF 2025**

Ms. Antonia Furtado,

Aged 60 years,

R/o. H. No. 178,

Gonvall, Cottombi,

Quepem, Goa.

Presently working in the Court of Senior Civil
Judge and CJM, Margao-Goa.

... Petitioner***Versus***

1. Hon'ble Principal District and Sessions Court,
Margao-Goa.

2. Senior Civil Judge & C.J.M, Margao,
The Administrative Judge,
Margao-Goa.

3. Director of Accounts,
Porvorim, Bardez, Goa.

...Respondents

Mr. Naresh Chandwani and Mr. Vivek Angelo, Advocates for
the Petitioner.

Ms. Neha Shirodkar, Advocate for Respondent Nos. 1 and 2.

Ms. Sulekha Kamat, Additional Government Advocate for
Respondent No. 3.

**CORAM : VALMIKI MENEZES &
AMIT S. JAMSANDEKAR, JJ.**

DATED : 10TH AUGUST, 2026



ORAL JUDGMENT:

1. Heard learned Advocates for the parties.
2. Rule. Rule is made returnable forthwith; at the request of and with the consent of learned Advocates for the parties, the matter is finally heard and disposed of. Learned Advocate Ms. Shirodkar waives service on behalf of Respondent Nos. 1 and 2 and learned Additional Government Advocate Ms. Sulekha Kamat waives service on behalf of Respondent No. 3.
3. The Petitioner has sought a Writ of Mandamus to direct the Respondent to grant interest @ 10% for the period of delay in release and actual payments of gratuity, commuted leave, leave encashment and pension.
4. On an earlier round of litigation, since no terminal benefits have been paid to her after her retirement on 30.04.2024, directions were issued by this Court to make payments of these benefits.
5. Pursuant to this direction, the gratuity and all the aforementioned benefits were actually paid and released by order dated 17.02.2025. Admittedly, there is a delay either on the part of Respondent Nos. 1 and 2 (District Court, South Goa) and/or by Respondent No. 3/ Director of



Accounts. The fact of the matter remains that, admittedly, the Petitioner has not received these benefits immediately on her retirement on 30.05.2024 and these benefits were released to her almost 10 months later.

6. We have considered the issues raised in this petition and the submissions of the learned Counsel for respective sets of Respondents. Affidavit of the Accounts Department claims that there was no delay on their part, as a query raised by the Accounts Department which is at page 55 of the petition and is dated 30.01.2024, was replied to the Department only on 13.02.2025; the Affidavit of the District Court, however, claims that there was no actual delay on the part of the District Court, but the District Court had to undergo the process of obtaining the documents required to answer the queries from various Courts within its jurisdiction, where the Petitioner was posted during her tenure under the District Court, South Goa. Be that as it may, it would not be appropriate for a Writ Court to enter into an inquiry as to the reasons and the cause for the delay or to apportion the responsibility for such delay, as that essentially would be a matter for an enquiry to be conducted by an Authority which we would shortly appoint in the subsequent paragraphs. The only question left before us is what would be the rate of interest which we should award



for the admitted delay in releasing the pension and all the benefits to the Petitioner. The Petitioner has claimed interest at 10 % per annum, of which we are of the opinion that it is on the higher side. In that regard, this Court in Writ Petition No. 225/2024 (Mr. Jagdish Pundalik Phadke V/s The State of Goa and 5 ors.) in its Judgment dated 24.07.2025, has considered the case similar to the present one and has found the interest rate of 6% per annum to be fair in such circumstances. We choose to follow the same interest rate for this matter as well, and considering the present rates of interest that Banks grant on deposits, we grant relief in terms of prayer clause (a) and fix the interest rate at 6% per annum instead of 10% per annum as prayed for; the interest shall be calculated at 6% per annum for the period of delay by the concerned Head Clerk of the Civil and Criminal Courts, South Goa, Margao. The calculations shall be completed within two weeks from today. On the basis of the calculations and interest, the concerned Head Clerk shall forward the same in the form of a bill to the Director of Accounts/Respondent No.3, within two weeks thereafter and the Respondent No.3 shall effect payment on the basis of the calculations within a period of two weeks thereafter.

7. Insofar as the question of fixing the responsibility for the delay in effecting payments or apportioning the same,



we request the Secretary Finance of the Government of Goa to call for the concerned records of the District Court, South Goa and the Accounts Department to examine the same and to, after hearing Respondent No. 3/Director of Accounts or any such person authorized by the Director, concerned Head Clerk and the Chief Officer of the District Court, South Goa, pass such orders as it deems fit to pinning the responsibility for delay or apportioning the same. We are leaving it to the Secretary of Finance to adopt such measures as are permitted by the Rules, after the orders are passed, to effect recovery of the interest awarded from the officers held responsible for such a delay.

8. Rule is made absolute in the above terms. No costs.

AMIT S. JAMSANDEKAR, J.

VALMIKI MENEZES, J.