



2026:DHC:1331-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 13.02.2026

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W.P.(C) 6090/2018

BIJENDER KUMAR GAUR

.....Petitioner

Through: Counsel (Appearance not given)

Versus

NORTH DELHI MUNICIPAL CORPORATION
AND ORS.

.....Respondents

Through: Mr. Akhil Mittal, SC-MCD
with Ms. Riddhi Jain and Ms.
Shayna Das Pattanayak, Advs.
Mr. Sujeet Kumar Mishra and
Mr. Harsh Kumar Pandey,
Advs. for R-3 & 5.
Mrs. Anjana Gosain and Ms.
Shreya Manjari, Advs. for R-4
& 6.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

J U D G M E N T (O R A L)

AMIT MAHAJAN, J.

1. The present writ petition has been filed under Article 226/227 of the Constitution of India, assailing the order dated 09.03.2017, passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi, (hereinafter '**Tribunal**') in O.A. No. 2149/2013, whereby, the Petitioner's claim for interest on delayed payment of salary and retiral dues was declined, while directing the Respondents to consider the payment of the honorarium and bonus for election duty



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along with simple interest at the rate of 6% per annum for the specified period.

2. The Petitioner has also assailed the order dated 19.08.2017 passed in R.A. No. 116/2017 whereby the Review Application preferred against the above order was also dismissed.

3. Succinctly stated, the Petitioner had joined as a Lower Division Clerk (LDC), in Municipal Corporation of Delhi, on 09.07.1971 and on 17.12.1976, he was appointed as Assistant Teacher, for primary school, through direct recruitment process. He was promoted on 16.05.2005, to the post of Headmaster, which was subsequently converted to Principal. He admittedly superannuated on 28.02.2007 and was relieved on 12.03.2007.

4. The Petitioner approach this Court by way of a writ petition bearing No. 5113/1997, seeking release of salary and consequential benefits along with certain dues including honorarium for election duty. After obtaining orders directing release of certain due amounts, lying deposited with the registry of this Court by the Respondents, the Writ was transferred to the learned Tribunal and was renumbered as T.A. No. 363/2009. The said T.A. was disposed of *vide* order dated 24.04.2009, directing the Respondents to consider the grievance of the Petitioner and further to pay the legitimate dues admissible/payable within a period of one month. The relevant paragraphs are reproduced as under: -

*“We had no benefit of hearing the counsel for the respondents. **The applicant submits that in spite of orders being passed by the High Court when the matter was pending there, full settlement of dues have not been paid.** The applicant submits that there was no dispute about the claims and there was*



direction to pay admissible dues.

*In view of the Orders passed by the High Court from time to time, we are constrained to observe that the **Respondents are not seen to have made any objections about the entitlements of the claims. Therefore, they should ensure that dues, which are legally payable to the applicant should be paid up within a month from today.** However, we are not dealing with any other aspects, as any such decisions in the absence of the respondents may not be proper **and the applicant himself is vague about the nature of the claims.** TA is closed. No costs.”*

5. Aggrieved by the non-compliance of the above order, contempt proceedings were initiated by the Petitioner in this Court *vide* Cont. Case No. 310/2010, against the Respondents, however, this Court *vide* order dated 03.02.2012, permitted the Petitioner to approach the learned Tribunal again with the following observations: -

“Rejoinder has been filed. In the rejoinder, the petitioner has pointed out various flaws in the computation of his dues. For example, it is stated that 7 entries in the G.P.F account pertaining to the year 1983 are missing and two entries of the year 1988 are missing. He further submits that the respondent deposited lumpsum arrears in the GPF account without any interest. Various other discrepancies are also sought to be raised by the petitioner. The respondents are directed to look into the said grievances of the petitioner and positively pass a reasoned order within four weeks.

If the petitioner is still aggrieved, it shall be open to the petitioner to approach the Central Administrative Tribunal, either by preferring a fresh Original Application or, if he is so advised, by preferring a contempt petition before the Central Administrative



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Tribunal as the power to punish for contempt is also available with the Central Administrative Tribunal, and the order of which the petitioner alleges non-compliance has been passed by the CAT. Petition stands disposed of.”

6. Consequently, O.A. No. 1164/2013 was filed, however, due to some errors in the same, the same was re-filed as O.A. No. 2149/2013 essentially seeking the following: -

*“(a) to direct the Respondents **to pay the interest** on the delayed payment of various dues as apparent from Annexure-AI to the applicant.*

*(b) to direct the Respondents to pay the **Honorarium and bonus** during election duties for extra ordinary work at the rate of 9% interest.”*

7. The learned Tribunal, after considering the pleadings and documents placed on record, recorded a categorical finding that the delay in release of salary payments was substantially attributable to the Petitioner’s own conduct, including failure to complete necessary formalities such as signing pay bills and furnishing bank details. Consequently, the Tribunal declined to grant interest on delayed salary and retiral dues. However, in respect of the honorarium and bonus for election duty, the Tribunal directed payment of the amount due along with simple interest at 6% per annum from 01.01.1996 to 28.02.2017 within 3 months.

8. Aggrieved by non-payment of interest, the Petitioner filed R.A. No. 116/2017. The Tribunal dismissed the Review Application holding that no error apparent on the face of record was demonstrated and that review jurisdiction cannot be exercised as if it were an appellate jurisdiction.



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9. Hence the present writ has been filed. It stands recorded *vide* Order dated 29.10.2025 passed by this Court, that the due amounts in terms of the impugned order have already been released to the Petitioner and the receipt of the same is also acknowledged by the Petitioner.

10. The learned counsel for the Petitioner contends that the learned Tribunal failed to properly consider the material placed on record and it is submitted that the delay in payment was entirely attributable to the Respondents and hence, the Petitioner is entitled to interest on the delayed payment of dues.

11. *Per Contra*, the learned counsel appearing for the Respondents supports the impugned orders and submits that the Tribunal's findings are based on documentary evidence which clearly reflects that the delay was caused by the inactions of the Petitioner himself and he cannot be allowed to reap benefits of deliberate delay caused by him.

12. At the outset, it is apposite to mention that while exercising jurisdiction under Articles 226 and 227 over orders passed by the Tribunal, the High Court does not sit as an appellate court. Interference is warranted only in cases of jurisdictional error, violation of principles of natural justice, manifest perversity, or patent error apparent on the face of the record. Findings of fact recorded are not to be disturbed if, after appreciating the documents on record, the learned Tribunal has arrived at a plausible view, unless shown to be wholly unreasonable or unsupported by material on record.

13. While considering the claim for interest on delayed salary and retiral benefits, the learned Tribunal has recorded a specific finding that the Petitioner's own conduct and non-cooperative attitude



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contributed to the delay in release of payments. The Tribunal has referred to documentary material placed on record by the Respondents in this regard to demonstrate that it was the Petitioner who never came forward to sign the pay bills or to complete the complete the necessary formalities.

14. It was also observed that the Petitioner did not sign the pre-receipts, mandatory for drawing salary, and also did not submit his bank details. The letters dated 27.03.1998, issued by the Respondents asking the Petitioner to collect his salary, Report dated 15.05.1998 indicating that the Petitioner has not shown up in the office to get his account opened in Central Bank and various other letters issued till 2007 by the Respondent, have been perused by the learned Tribunal, to conclude that it was the Petitioner who had not given his bank account and not cooperated, leading to delayed release of his salary.

15. The same is a plausible view, based on documents and correspondences and the Petitioner has not been able to demonstrate that the said finding is perverse or based on no evidence. Thus, this Court cannot undertake a re-appreciation of evidence or substitute its own view merely because another view may be possible.

16. Pertinently, the learned Tribunal has addressed the delay attributable to the Respondents with respect to the election honorarium, by directing the same to be released with interest of 6% p.a. 01.01.1996 to 28.02.2017, to the Petitioner.

17. Even otherwise, the claim for interest pertains to salary components relating to the period 1975–2007, which, according to the Petitioner himself, stood disbursed between 1984 and 2011. Firstly, the O.A. was filed in 2013 seeking interest on such



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payments/transactions dating back over two decades. It is of significance that in the earlier round of litigation culminating in the order dated 24.04.2009 passed in T.A. No. 363/2009, the learned Tribunal directed release of the legitimate dues but did not issue any direction for payment of interest and it was observed that the Petitioner himself is vague about his claims. The said order attained finality and was acted upon. Once a competent judicial forum, seized of a specific prayer for interest, grants only the principal relief and remains silent as to interest, the claim for such ancillary relief must be treated as having been declined and the delay on part of the Respondents, if any, would deem to have been condoned. The Petitioner cannot, in a subsequent round of litigation, seek to reopen or re-agitate a claim which stood concluded in the earlier proceedings.

18. Insofar as payments made subsequent to the 2009 are concerned, the learned Tribunal has recorded a categorical finding that the delay was substantially attributable to the Petitioner. Even if there was any delay on the part of the Respondents occasioned by administrative reasons, the same is not a sufficient ground warranting interference with the impugned order. It is not disputed that the amounts were released by 2011.

19. As regards the dismissal of the Review Application, it is evident that the learned Tribunal applied settled principles governing review jurisdiction. Review cannot be treated as an appeal in disguise and unless an error apparent on the face of record is shown, the order under challenge cannot be altered. The Petitioner has not pointed out any patent error, clerical mistake, or omission apparent on the face of the impugned order dated 09.03.2017 and thus, the learned Tribunal



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was justified in dismissing the Review Application.

20. Upon careful consideration of the matter, we are of the view that the impugned orders dated 09.03.2017 and 19.08.2017 passed by the learned Tribunal do not suffer from any jurisdictional error, perversity, or infirmity warranting interference under Articles 226 and 227 of the Constitution of India.

21. The writ petition is accordingly dismissed, along with pending application(s), if any.

AMIT MAHAJAN, J

ANIL KSHETARPAL, J

FEBRUARY 13, 2026

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