



2025:DHC:5148-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 02.07.2025

+ W.P.(C) 93/2025 & CM APPL. 364/2025

BIR SEN RATHI

.....Petitioner

Through: Mr. Jai Singh Mann,
Mr. Mayank Kumar and
Mr. Damodar Kumar, Adv.

versus

MUNICIPAL CORPORATON OF DELHI & ANR.

.....Respondents

Through: Mr. Anand Prakash, Standing
Counsel for MCD with Ms.
Varsha Arya, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed challenging the Judgment dated 05.09.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in Original Application No. 4123/2023 (hereinafter referred to as, 'OA') titled *Bir Sen Rathi v. The Commissioner (MCD) and Anr*, allowing the OA filed by the petitioner herein with the following directions:

"5. In view of the above facts and circumstances, the competent authority amongst the respondents are directed to pay the aforesaid dues along with the interest,



starting from the date when such retiral benefits became due to the applicant, and till payment of such benefits, applicable as per the prevailing GPF rate within four months from the date of receipt of a copy of this order.”

2. The limited grievance of the petitioner is on the rate of interest as also on the period for which the interest is payable.
3. As far the rate of interest is concerned, the learned counsels for the parties submit that in terms of the Judgment of this Court in ***Rajbir Singh v. The Commissioner MCD and Anr.***, 2025 SCC Online Del 649, a Full Bench has been constituted by the learned Tribunal to determine the uniform rate of interest to be awarded in such matters.
4. The learned counsel for the petitioner submits that the rate of interest as determined by the Full Bench be directed to be paid by the respondents to the petitioner.
5. We are of the opinion that as the matter is pending before the Full Bench, it would be more appropriate to remand the matter back to the learned Tribunal to re-determine the rate of interest which would be payable to the petitioner on the retiral dues in terms of the Judgment of the Full Bench.
6. Accordingly, the O.A., to this limited extent and aspect, stands revived to be placed before the Full Bench for a determination on the rate of interest.
7. As far as the period of interest is concerned, in our view, the learned Tribunal has rightly stated that the interest shall be paid from the date when the retiral benefits became due to the applicant–petitioner herein and till the payment of such benefits. This would



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include the payments earlier made *albeit* with some delay.

8. We, therefore, find no reason for the grievance of the petitioner as far as this issue is concerned.

9. The petition along with the pending application is, accordingly, disposed of in the aforesaid terms.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

JULY 2, 2025

p/kj/ik

Click here to check corrigendum, if any