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

Date of decision: 30.10.2025

+ W.P.(C) 16463/2025 & CM APPL. 67368/2025, CM APPL. 67369/2025

GOVT OF NCT OF DELHI AND ANRPetitioners

Through: Mrs. Avnish Ahlawat, SC with Mr. Nitesh Kumar Singh, Ms. Aliza Alam and Mr. Mohnish Sehrawat, Advs.

versus

RADHA KRISHANRespondent

Through: Mr. Suresh Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed, praying for the following relief:

“(a) Quash and set aside the per-se perverse orders dated 20.08.2025 and 21.11.2022 and other orders passed in MA 1029/2025, MA 1604/2022 and CP 607/2023 in OA No.775/2019 passed by Ld. Central Administrative Tribunal, Principal Bench, New Delhi”

2. To appreciate the contention raised by the learned counsel for the petitioners, a few facts would need to be referred in this Judgment.

3. The respondent superannuated from service on 31.01.2018. Alleging that he had not been paid his retiral dues, he filed O.A. No. 775/2019 before the learned Tribunal seeking release of the same along with interest @12% per annum.



4. The said O.A. was disposed of by the learned Tribunal *vide* its Order dated 03.03.2020, directing as under:

"3. However, learned counsel for applicant states that interest is due, which has not been paid. Accordingly, it is directed that interest permissible as per rules may be paid to the applicant within a period of 3 months from receipt of a certified copy of this order. OA is disposed of accordingly."

5. In compliance with the said Order, the petitioners issued a Sanction Order dated 22.07.2020, directing payment of interest of Rs. 1,37,084/- to the respondent on delayed payment of gratuity. However, no interest was paid on the other elements of claim made by the respondent, that is, Earned Leave Encashment, UTGEIS, etc., asserting that interest is not payable on these elements in accordance with law.

6. Aggrieved by the same, the respondent filed another O.A., that is O.A. No. 236/2022, *inter alia*, seeking direction to the petitioners herein to pay interest on the other elements.

7. The said O.A. was, however, withdrawn by the respondent *vide* Order dated 02.02.2022, with leave to initiate further course of action in accordance with law.

8. The respondent thereafter filed a Miscellaneous Application in the earlier O.A. that is O.A. No. 775/2019, being MA No. 1604/2022.

9. The learned Tribunal passed the Impugned Order dated 21.11.2022 on the said MA, and the same is reproduced as under:

"MA No. 1604/2022

Two opportunities were given to the respondents to file the response. The defence of the respondents is stuck at the



stage of filing the response so the MA is taken up for hearing,

Attention has also been drawn to the Sanction Order dated 22.7.2020 wherein payment of interest on gratuity has only been paid. Pursuant to the said order, instant MA has been preferred by the applicant.

In view of the facts and circumstances, respondents are directed to comply with the order dated 03.03.2020 by granting interest as directed in the order dated 30.3.2020 on the remaining pension i.e. DCRG, Earned Leave encashment, UTGEIS as per GPF rates within a period of 45 days from the receipt of the certified copy of this order, failing which the respondents are liable to pay further interest at the rate of 12%.

The MA is disposed of in the aforesaid terms.”

10. The petitioner has challenged the above Order, claiming that in the execution/contempt proceedings, the learned Tribunal cannot expand the scope of the earlier Order.
11. The learned counsel for the petitioners submits that in the initial Order dated 03.03.2020, the direction of the learned Tribunal is only to pay interest in accordance with law, meaning thereby, the interest is to be paid only on the gratuity amount to the respondent and not on other elements. She submits that the said Order had been duly complied with by the petitioners, by issuing the Sanction Order dated 22.07.2020, and the corresponding interest amount paid to the respondent.
12. Placing reliance on various Judgments of the Supreme Court, she submits that the scope of the order cannot be expanded in



contempt or execution proceedings.

13. While, in general circumstances we would have been inclined to agree with the submission made by the learned counsel for the petitioner, however, we are persuaded not to accept the same in the present petition. The fact remains that the Order dated 21.11.2022 was not challenged by the petitioners till the filing of the present petition. Almost three years have passed before the petitioners woke up to challenge the said Order, and that too only when the learned Tribunal, in a contempt petition/miscellaneous application filed by the respondent seeking enforcement of this order, by its repeated orders sought compliance with the same and, on failure of the petitioner, was pleased to summon the Commissioner of Transport for ensuring compliance with the Order. If the petitioners were aggrieved of the Order dated 21.11.2022, they ought to have challenged the same immediately. The delay and laches on their part are sufficient to refuse interference of this Court with the Order dated 21.11.2022, while exercising powers under Article 226 of the Constitution of India.

14. We are more persuaded not to interfere with the impugned order dated 21.11.2022, for the reason that the respondent was claiming his retiral benefits having reached the age of superannuation. These were released belatedly by the petitioner and therefore, the respondent was entitled to interest for the delay.

15. In addition to the above, while the petitioner never challenged the Order dated 21.11.2022, it continued to maintain before the learned Tribunal that it had duly complied with the earlier Order dated 03.03.2020. This plea of the petitioners was rejected by the learned



Tribunal in its Order dated 09.07.2025, which we reproduce herein below:

"2. We find that the respondents are overreaching the orders passed by this Tribunal. If the respondents are not satisfied with the orders passed by this Tribunal, they ought to have availed themselves of the liberty available to them in accordance with the law, which they have not yet done.

3. With the above observations, the respondents are granted a further six weeks' time to comply with the order of this Tribunal, failing which coercive action as per law shall be taken."

16. Interestingly, even this Order has not been challenged before us in the present petition. The petitioners have only made a vague prayer, which we have reproduced hereinabove, that apart from the Orders dated 20.08.2025 and 21.11.2022 "*other orders passed in MA 1029/2025, MA 1604/2022 and CP 607/2023 in O.A. No. 775/2019*" be also set aside, without mentioning these orders.

17. We, therefore, do not consider this petition to be a challenge to the Order dated 09.07.2025 passed by the learned Tribunal.

18. As far as the Order dated 20.08.2025 is concerned, in spite of a passover, none had appeared for the petitioners before the learned Tribunal. The learned Tribunal, taking note of the fact that the petitioners had failed to comply with the Order dated 09.07.2025, issued bailable warrants for seeking presence of the petitioner no.2.

19. We do not find any infirmity in the said Order, as the respondent has been made to run from pillar to post and for a period of almost five years for interest on the delayed payment of his retiral benefits, which is still being denied to him by the petitioners despite



repeated orders of the learned Tribunal and without taking legal remedies, if it was aggrieved of the Orders passed by the learned Tribunal.

20. Given the above facts and circumstances, we refuse to entertain the present petition in exercise of our powers under Article 226 of the Constitution of India.

21. At this stage, the learned counsel for the petitioners submits that the remaining interest amount shall also be released to the respondent within a period of four weeks from today.

22. We accordingly, extend the time for making the balance payment of interest to the respondent, by a period of four weeks from today.

23. Given the above submission, we also exempt the petitioner no.2 from appearing before the learned Tribunal on the next date of hearing, that is, 31.10.2025. However, this shall not debar the learned Tribunal from taking appropriate action in case the Orders passed by it still remain un-complied.

24. The petitioners shall also pay cost of Rs. 20,000/- to the respondent within a period of four weeks from today.

25. The petition, along with the pending applications, is disposed of in the above terms.

NAVIN CHAWLA, J

MADHU JAIN, J

OCTOBER 30, 2025/b/P/ik