



2026:DHC:9352-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010501982026
+ W.P.(C) 15402/2026 & CM APPL. 72239/2026 and CM APPL. 72240/2026

INDIAN AGRICULTURAL RESEARCH INSTITUTE

.....Petitioner

Through: Mr. Gagan Mathur, Adv.

versus

SHRI RAJENDRA SINGH

.....Respondent

Through: Mr. V.K Sharma, Adv.

+ W.P.(C) 15425/2026 & CM APPL. 72350/2026 and CM APPL. 72351/2026

INDIAN AGRICULTURAL RESEARCH INSTITUTE

.....Petitioner

Through: Mr. Gagan Mathur, Adv.

versus

DR S K KUNDALIA

.....Respondent

Through: Mr. V.K Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MS. JUSTICE NIVEDITA ANIL SHARMA

JUDGMENT (ORAL)

% **15.10.2026**

1. These writ petitions assail a common order dated 30 January 2026 passed by the Central Administrative Tribunal¹ in OA 1502/2023 and 1508/2023.

Signature Not Verified ¹ "the Tribunal" hereinafter

Digitally Signed By: AWIP.(C) 15402/2026 & W.P.(C) 15425/2026
KUMAR
Signing Date: 17.10.2026
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2. Mr. Gagan Mathur, learned Counsel for the Indian Agricultural Research Institute², submits that the Tribunal has not considered the issues raised by him.
3. We have accordingly heard him at length.
4. The challenge is only to the extent of the direction contained in the impugned judgment, to the petitioner, to pay interest to the respondent on the amount of gratuity of the respondent which had been withheld by the petitioner.
5. The fact that delayed retiral benefits also entail payment of interest stands settled by the Supreme Court in its decision in ***S K Dua v. State of Haryana***³ on which the Tribunal has correctly relied.
6. We may reproduce, for ready reference, the following passages from the said decision:

“14. In the circumstances, prima facie, we are of the view that the grievance voiced by the appellant appears to be well- founded that he would be entitled to interest on such benefits. If there are Statutory Rules occupying the field, the appellant could claim payment of interest relying on such Rules. If there are Administrative Instructions, Guidelines or Norms prescribed for the purpose, the appellant may claim benefit of interest on that basis. But even in absence Statutory Rules, Administrative Instructions or Guidelines, an employee can claim interest under Part III of the Constitution relying on Articles 14, 19 and 21 of the Constitution. The submission of the learned counsel for the appellant, that retiral benefits are not in the nature of “bounty” is, in our opinion, well-founded and needs no authority in support thereof. In that view of the matter, in our considered opinion, the High Court was not right in dismissing the petition in limine even without issuing notice to the respondents.

² “IARI” hereinafter

³ (2008) 3 SCC 44



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15. To us, the plea of the learned counsel for the appellant that the High Court ought to have entered into the merits of the matter which is based on documentary evidence is well-taken. In our considered view, the writ petition ought to have been admitted by issuing Rule nisi and ought to have been decided on merits. The High Court, however, dismissed the petition by a cryptic order which reads thus:

“The petitioner seeks only payment of interest on the delayed payment of retiral benefits. We, however, relegate the petitioner to avail of his remedies before the Civil Court, if so advised.

Dismissed with the above observations.”

7. We, therefore, also examine as to whether the withholding of the respondent's gratuity was justified. Even as per the IARI, the withholding of the respondent's gratuity was in terms of Rule 8(4)(c) of the Central Civil Services (Pension) Rules 1972.

8. Rule 8(4)(c) permits withholding of retiral gratuity on the ground that disciplinary proceedings were initiated against him.

9. The respondent superannuated in 2016. Ten years have passed since then, and no disciplinary proceedings have been instituted against him.

10. In the circumstances, we find that the Tribunal was correct in observing that the very ground for withholding the respondent's gratuity was unjustified.



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11. In that view of the matter, the IARI cannot escape the liability to interest in view of the law declared by the Supreme Court in ***S k Dua***.

12. We, therefore, find no cause to interfere with the judgment passed by the Tribunal.

13. The writ petitions dismissed in *limine*.

14. We direct compliance with the order passed by the Tribunal within six weeks from today.

C. HARI SHANKAR, J.

NIVEDITA ANIL SHARMA, J.

OCTOBER 15, 2026

dsn