



2025:DHC:5766-DB



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

Date of decision: 18.07.2025

+ W.P.(C) 6083/2024
KAILASH CHAND MITTALPetitioner
Through: Mr.Yogesh Kumar Mathur and
Mr. Harkesh, Advs.

versus

MUNICIPAL CORPORATION OF DELHI AND ANR.
.....Respondents
Through: Ms.Anshula L. Bakhru, Adv.
for MCD

**CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE RENU BHATNAGAR**

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioner challenging the Order dated 13.09.2023 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the, 'Tribunal') in O.A. No. 1334/2023, titled ***Kailash Chand Mittal v. Municipal Corporation of Delhi, Through its Commissioner and Anr.***, disposing of the O.A. filed by the petitioner herein with the following direction:

“4. In view of the categorical submission made by the learned counsel for the applicant, the present OA is disposed of with a direction to the competent authority amongst the respondents to release the remaining amount as mentioned in the speaking order dated



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11.10.2022 within a period of 45 days from the date of receipt of a certified copy of this order, failing which, the applicant shall be entitled for interest at the rate of GPF after the expiry of 45 days till the date of actual payment. It is made clear that we have not gone into the merits of the case.”

2. It also assails the Order dated 19.01.2024 passed by the learned Tribunal in RA No. 10/2024, dismissing the Review Petition filed by the petitioner.
3. The limited grievance of the petitioner against the Impugned Orders is the rate of interest awarded and also the direction of the learned Tribunal that the interest shall be payable only on expiry of 45 days of the Impugned Order dated 13.09.2023.
4. The learned counsel for the petitioner submits that the rate of interest needs to be enhanced. He further submits that the interest should be payable from the date when the retiral benefits became due and payable to the petitioner.
5. On the other hand, the learned counsel for the respondents submits that as far as the rate of interest is concerned, the same is reasonable and in accordance with law.
6. She further submits that the learned Tribunal, taking into account the financial constraints faced by the respondents, has rightly directed that the interest liability shall accrue only 45 days after the Impugned Order.
7. We have considered the submissions made by the learned counsels for the parties.
8. As far as the rate of interest is concerned, pursuant to the



Judgment of this Court in *Rajbir Singh v. The Commissioner MCD & Anr.*, 2025 SCC OnLine Del 649, directing constitution of a Full Bench by the learned Tribunal to consider the rate of interest that should be awarded in such like cases, the learned Tribunal has constituted a Full Bench wherein this issue is being considered. Therefore, instead of commenting on the rate of interest at this stage in the present petition, we deem it appropriate to remand the said issue back to the learned Tribunal to re-determine it in accordance with the decision of the Full Bench.

9. In the meantime, we hold that the petitioner should be paid interest at the rate of 6% per annum on the retiral dues. This shall, of course, be subject to the final outcome of the decision of the Full Bench of the learned Tribunal.

10. As far as the date from which the interest liability becomes due is concerned, we are of the opinion that the learned Tribunal has erred in directing that the interest shall be payable only from 45 days after passing of the Impugned Order dated 13.09.2023.

11. The learned Tribunal lost sight of the fact that the petitioner was claiming his retiral dues, which are his legal and statutory rights and even fundamental right for sustenance and for living a life of dignity. The respondent, only because of its own financial constraints, could not have delayed making payment of the same.

12. Accordingly, the interest liability will accrue against the respondents and in favour of the petitioner from the date that the retiral benefits became due to the petitioner in accordance with law, that is, from the date of his superannuation.



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13. We, therefore, modify the Impugned Order dated 13.09.2023 to the extent that the interest liability would accrue from the date of retirement of the petitioner. We further restore the O.A. to its original number before the learned Tribunal for determination of the rate of interest payable by the respondents to the petitioner. The O.A. shall be placed before the Full Bench of the learned Tribunal for considering the said issue.

14. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

JULY 18, 2025/sg/ik