



2025:DHC:4479-DB



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

Date of decision: 27.05.2025

+ W.P.(C) 291/2025

SAROJ BALA GUPTAPetitioner

Through: Mr. Ashwani Kr. Gupta, Adv

versus

MUNICIPAL CORPORATION OF DELHIRespondent

Through: Ms. Shaurya Abrol, 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 Order dated 29.05.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as 'Tribunal') in OA No. 129/2024, titled ***Saroj Bala Gupta v. Municipal Corporation of Delhi***, disposing of the OA filed by the petitioner herein in terms of its earlier order dated 17.05.2024 passed in OA 2146/2023, wherein following reliefs have been granted:

"6. In the light of the above facts and circumstances of the case, it is an undisputed fact that there has been delay in releasing the retiral dues to the applicant. Therefore, on the basis of well settled law, as enumerated herein above, all the OAs are disposed with a



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direction to the respondents to release all remaining retiral benefits due to the applicants from the date of their retirement. While doing so, the respondents shall provide to the applicants due and drawn statement. Interest for delayed payment, at this state, cannot be acceded to as we are informed that the MCD is facing acute financial crises. This exercise shall be done within a period of three months from the date of receipt of a certified copy of this order, failing which all the applicants shall be entitled to interest @ 12% from the date of expiry of period of three months as stated herein above. If there is any further delay beyond the period of six months, then the applicants shall be entitled for interest at the rate of 12% instead of at the rate of 7.5%.”

2. The grievance of the petitioner is that though there was an admitted delay in releasing the retiral benefits to the petitioner, the learned Tribunal has not granted interest to the petitioner for the delayed payment, but only directed that interest shall be paid by the respondent if the retiral benefits are not released to the petitioner within a period of three months of the date of the receipt of the Certified Copy of its order.

3. The petitioner states that for the period of delay in releasing the retiral benefits to the petitioner, the respondent had only contended the financial hardship as a ground for the delay. The petitioner submits that in that view, the interest liability should have accrued right from the date when the amount became due and payable.

4. The learned counsel for the respondent does not dispute that it was only because of the financial crunch of the respondent that the retiral benefits were not paid to the petitioner in time.



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5. We have considered the submissions made by the learned counsels for the parties.

6. In the present case, the petitioner had retired from the service on 30.09.2022. Having availed of all forums of administrative representations and requests, and still not getting his entire retiral benefits, the petitioner approached the learned Tribunal on 05.01.2024.

7. In view of the above, the petitioner certainly cannot be made to suffer for what was his statutory and contractual right. The respondent merely pleaded its financial crunch for the denial and in fact, forced the petitioner to initiate litigation. The petitioner, therefore, was entitled to grant of interest from the date that such retiral benefits became due.

8. It is pertinent to mention that the Writ Petition filed against the order dated 17.05.2024 passed by the learned Tribunal in OA 2146/2023, on which reliance has been placed on by the Impugned Order, already stands decided by this Court in *Dr. Ranjnikant Verma v. Municipal Corporation of Delhi Through its Commissioner*, 2025:DHC:1893-DB.

9. Accordingly, we modify the Impugned Order in accordance with the Judgement in *Dr. Ranjnikant (supra)*, to the limited extent that interest at the rate of 7.5% P.A. shall be payable to the petitioner from the date of her superannuation.

10. We further clarify that the enhanced rate of interest of 12% per annum, in case the due amount is not paid to the petitioner within six months from the date of the order passed by the learned Tribunal, shall



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remain operative.

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

NAVIN CHAWLA, J

RENU BHATNAGAR, J

MAY 27, 2025/Arya/ik

Click here to check corrigendum, if any