

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

+ **WRIT PETITION (CIVIL) NO.1125/2007**

Date of Decision: August 9, 2011

M.G. GOEL Petitioner

Through None.

versus

GOVT. OF NCT. OF DELHI & ORS. Respondents

Through None.

CORAM:

HON'BLE MR. JUSTICE ANIL KUMAR

HON'BLE MR. JUSTICE SUDERSHAN KUMAR MISRA

1. Whether Reporters of local papers may be allowed to see the judgment? No
2. To be referred to the Reporter or not? No
3. Whether the judgment should be reported in the Digest? No

ANIL KUMAR, J. (ORAL)

1. The petitioner has challenged the order dated 23rd December, 2004 passed by the Central Administrative Tribunal, Principal Bench, in OA No.545/2004, titled as *M.G. Goel v. Government of NCT & Ors.*, whereby the Tribunal had allowed the original application of the petitioner with a direction to pay interest on delayed payment of pensionary benefits, i.e. gratuity, leave encashment, arrears of pension etc. @ 12% per annum, as has been allowed in similar cases as decided by the Tribunal.

2. The Tribunal had further held that the interest will be payable to the petitioner from the dates the payments became due to him till actual payments would be made.

3. The petitioner has challenged the order of the Tribunal as the interest has not been allowed by the Tribunal on the commutation of pension as well as benefit of commutation of pension from the date following the date of retirement along with interest thereon. The petitioner has also sought the restoration of authority dated 5th July, 2002 authorizing commutation of pension to the petitioner from the date following the date of his retirement which was superseded by issuing authority by order dated 11th October, 2002. He has also sought difference of commutation of pension amounting to Rs.11,447.00 with interest from 1st November, 1994 till the date of actual payment along with interest @ 12% per annum.

4. No one was present on behalf of the parties on 8th July, 2001. However, no adverse order was passed in the interest of justice and the matter was allowed to remain on board in the category of 'Regular matters'.

5. Today again, no one is present on behalf of the parties. In the circumstances, this Court is left with no alternative but to

dismiss the writ petition in default of appearance of the petitioner and his counsel.

6. The writ petition, is therefore, dismissed in default.

ANIL KUMAR, J.

SUDERSHAN KUMAR MISRA, J.

AUGUST 09, 2011
dr