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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8677/2015**

Date of Judgment : 11.09.2015

K.L. MANHAS Petitioner
Through : Petitioner in person.

versus

UNION OF INDIA AND ORS. Respondent
Through : Mr. Ruchir Mishra, Mr. Sanjiv Kr.
Saxena and Mr. Mukesh Kumar
Tiwari, Advocates for R-1.
Mr. Arun Bhardwaj, AAG with
Mr. Rishi Kapoor, Advocate for R-3.
Mr. Niti Jain, Advocate for Mr. Anuj
Aggarwal, ASC for GNCTD.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G. S. SISTANI, J. (ORAL)

C. M. APPL. 19037/2015

1. Exemption allowed, subject to just exceptions.
2. Application stands disposed of.

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3. Notice. Counsel for the respondents enter appearance on an advance copy. With the consent of the parties, the writ petition is taken up for final hearing for disposal.
4. The necessary facts which have led to the filing of the present writ petition are that the petitioner was appointed to the Indian Forest Service in the year 1976. After completing his career, he retired from service on

superannuation on 31.01.2014.

5. The grievance of the petitioner is that there was delay of about six months in release of his retiral benefits. The petitioner called upon the respondent to grant interest on the delayed payments which was declined which led to the filing of an OA before the Central Administrative Tribunal which was dismissed by an order dated 15.07.2015 which has led to the filing of the present writ petition.
6. The petitioner, who appears in person, submits that the delay was not caused on account of any lapse on the part of the petitioner. He had completed the entire paper work and submitted necessary particulars and details well before his retirement. He submits that the Tribunal had noticed that there has been admitted delay of almost six months. The Tribunal has also noticed the judgments of the Hon'ble Supreme Court wherein it has been held that a person would be entitled to interest in case the delay has occurred on account of the fault of the Department but the Tribunal dismissed the O.A. on the ground that the delay was not wilful. The petitioner relies on Rule 19A of the All India Service (Death-cum-Retirement Benefits Rules, 1958) in support of his submission that wherever there is delay attributable to administrative lapses, interest is liable to be paid for a period beyond three months.
7. Learned counsel for the respondents have reiterated the stand taken by them in their counter affidavit before the Tribunal. They also rely on the findings of the Tribunal that the delay was not on account of any wilful lapse or lethargy.
8. We have heard counsel for the parties and considered their rival submissions.

9. In the case of ***S.K. Dua v. State of Haryana***, reported at (2008) 3 SCC 44, the Apex Court has held that a person would be entitled to interest on delayed payment even in case when no detailed Rules or Administrative instructions or guidelines are available and such a person would be protected under Part III of the Constitution, relying on Articles 14, 19 and 21 of the Constitution. Relevant paragraph of the judgment reads as under:

“4. 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 they 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, wellfounded and needs no authority in support thereof.”

10. It would be useful to refer to the observations made in the case of ***Megh Varan Sharma v. State of U.P. and Ors.***, reported at 2015 (1) SCT 12 (SC), wherein on account of delayed payment of retiral benefits, interest was granted. Relevant paras of the judgment read as under:

“This Court examined an issue, similar to one, in hand, pertaining to the payment of interest on account of delayed payment, in State of Kerala and Ors. v. M. Padmanabhan Nair (1985) 1 SCC 429, wherefrom our attention was invited to the following observations:

“1. Pension and gratuity are no longer bounty to be

distributed by the Government to its employees on their retirement but have become, under the decisions of this Court, valuable rights and property in their hands and any culpable delay in settlement and disbursement thereof must be visited with the penalty of payment of interest at the current market rate till actual payment.”

The aforesaid determination rendered by this Court was reiterated in R. Kapur v. Director of Inspection (Painting and Publication) Income Tax and Anr. (1994) 6 SCC 589)..... ”

11. From the material placed on record and also as per the finding of the Tribunal, there is admitted delay of almost six months for release of the benefit of gratuity to the petitioner, while it has been stated that there was no delay on behalf of the State Government but we are informed that the delay in fact occurred as the name of the petitioner had been incorrectly written. We find that this procedural lapse could have been corrected in the shortest possible period of time but should not have taken six months as after successfully completing his entire paper work, the respondent delayed the payment of pension and gratuity. Consequently, we allow this writ petition and grant interest at the rate of 9 % to the petitioner for delayed payments of pension and gratuity.
12. Accordingly, the present writ petition is disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 11, 2015 sc