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*** IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 10591/2015, CM APPL. No. 26933/2015 (Stay)

Date of Judgment : 16th November, 2015

UNION OF INDIA & ORS. Petitioners
Through : Mr. Arun Bhardwaj, Advocate.

versus

JATINDER PAL SINGH Respondent
Through : None.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G. S. SISTANI, J. (ORAL)

CM APPL. No. 26934/2015 (Exemption)

1. Exemption allowed subject to all just exception.
2. Application stands disposed of.

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3. Challenge in this writ petition is to the order dated 13.05.2015 passed by the Central Administrative Tribunal (CAT). The respondent retired from service on 23.10.2003 in terms of Rule 56 (j) of Fundamental Rule (FR) Rule 48 of CCS (Pension) Rules 1972. His pension was neither fixed nor paid which led to the filing of OA on 07.01.2013. After notice was issued to respondent before the Tribunal, the petitioner herein enclosed a copy of PPO dated

12.05.2015 and made a statement that the respondent herein would be paid pension regularly. The petitioner before the Tribunal claimed interest from the year 2003 till the date of pension was released, which the Tribunal rejected on the ground that he had approached the Tribunal only on 07.01.2013 and granted interest @ 6% *per annum* from 2013 upto the date of payment. The grant of interest by the Tribunal to the respondent herein has led to the filing of the present petition.

4. Learned counsel for the petitioner submits that the respondent is not entitled to interest for the reason that the respondent was involved in large number of litigations and thus he kept shifting his address and since his whereabouts were not known, the petitioner could not release the pension to the respondent and thus the petitioner could not be fastened with the liability of interest.
5. We have heard learned counsel for the petitioner, we are unable to appreciate the submission made by learned counsel for the petitioner for the reason that once the respondent herein had filed the OA before the Tribunal on 07.01.2013, his address if not available was made available to the petitioner, moreover, even from the date of filing of OA considerable time was taken by the petitioner herein to prepare the PPO which was prepared only on 12.05.2015 and delay in preparing this PPO has not been explained. We may notice that the Tribunal in its order dated 03.02.2015 had issued a direction to finalize the pension papers within one month, which was also not

complied with. It has been repeatedly held that pension and other retiral dues are a legal right of an employee to be received as per rules admissible to him after rendering long service and the same is not a charity or bounty. Reference may be made to the judgment of the Constitutional Bench of Apex Court in *Deokinandan Prasad Vs. The State of Bihar and Others (1971) 2 SCC 330*. No explanation has been rendered for the delay in releasing the pension to the petitioner.

6. In our view, the Tribunal has rightly awarded interest to the respondent from the date of filing of OA i.e. from 07.01.2013 and not from his date of retirement i.e. 22.10.2003. Resultantly, we find no infirmity in the order passed by the Tribunal. The present writ petition and all pending applications are dismissed.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

NOVEMBER 16, 2015

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