

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

+ **W.P.(C) 11160/2016, W.P.(C) 11156/2016, W.P.(C) 10993/2016, W.P.(C) 11177/2016**

% **20th February, 2017**

+ **W.P.(C) 11160/2016**

S.K.KALRA Petitioner

Through: Mr. N.C.Gupta and Mr. Deepak Singh, Advocates.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Brajesh Kumar, CGSC for R-1.
Mr. Rajesh Kumar and Mr. Gaurav Kr. Singh, Adv. for R-2.
Mr. Rajat Arora, Adv. for R-3.

+ **W.P.(C) 11156/2016**

P.K.SINGLOO Petitioner

Through: Mr. N.C.Gupta and Mr. Deepak Singh, Advocates.

versus

UNION OF INDIA & ORS. Respondents

Through: Brajesh Kumar, CGSC for R-1.
Mr. Rajesh Kumar and Mr. Gaurav Kr. Singh, Adv. for R-2.
Mr. Rajat Arora, Adv. for R-3.

+ **W.P.(C) 10993/2016**

N K MEHTA Petitioner

Through: Mr. N.C.Gupta and Mr. Deepak
Singh, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Dev P. Bhardwaj, CGSC for
R-1.

Mr. Rajesh Kumar and Mr.
Gaurav Kr. Singh, Adv. for R-2.
Mr. Rajat Arora, Adv. for R-3.

+ **W.P.(C) 11177/2016**

ASHOK KUMAR LOOMBA

..... Petitioner

Through: Mr. N.C.Gupta and Mr. Deepak
Singh, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Brajesh Kumar, CGSC for
R-1.

Mr. Rajesh Kumar and Mr.
Gaurav Kr. Singh, Adv. for R-2.
Mr. Rajat Arora, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

W.P.(C) No. 11160/2016

1. By this writ petition under Article 226 of the Constitution of India, petitioner who was an employee of the respondent no.2/Punjab National Bank seeks the relief of being granted interest

from the date of superannuation till the date of actual payment of service benefits which are terminal benefits.

2. It is not disputed that as against the petitioner order of compulsory retirement was passed by the disciplinary authority on 10.3.2014. The respondent no.2/Punjab National Bank/employer, as per the counsel for the petitioner has paid interest on the amount payable as service benefits/terminal benefits from 10.3.2014 till the date of actual payment. Counsel for the petitioner however argues that petitioner is entitled to interest not from the date of the order of the disciplinary authority being 10.3.2014 but from the earlier date of 31.8.2013 when the petitioner superannuated from services.

3. I cannot agree with the arguments urged on behalf of the petitioner because issue of interest arises once there is certainty with regard to payment of principal. Once there is certainty with regard to payment of principal and there is delay in payment of such principal amount then the issue arises for interest of delayed payment. Punishment which was to be imposed upon the petitioner was not known till 10.3.2014, and therefore, only when the disciplinary authority passed the punishment order on 10.3.2014, the employer had known that what are the service benefits/terminal benefits which would be paid to the petitioner, and there is therefore certainty with respect to

the amount payable to the petitioner only w.e.f 10.3.2014. In fact, in my opinion, the employer need not have paid interest from 10.3.2014 but could have even paid from about one month later because surely some reasonable time is required to the employer to calculate the amount due as on 10.3.2014, but ignoring that aspect the employer has paid interest from 10.3.2014.

4. Counsel for the petitioner places reliance upon the office order dated 18.6.2014 issued by the respondent no.2/employer to argue that as per this office order interest is payable on delayed payment of gratuity, and therefore, it is argued that interest is also to be paid on delayed payment of service benefits/terminal benefits. I however cannot agree for the reason that as regards gratuity there is a specific circular which entitles payment of interest to an employee, that position cannot be automatically extended for leave encashment benefit, and for which there is no such similar circular.

5. In view of the above, since there is no delay in payment of service benefits/terminal dues of the petitioner, petitioner cannot be granted the relief of interest as claimed in this writ petition.

6. The writ petition is accordingly dismissed.

W.P.(C) No. 11156/2016

7. This writ petition is also dismissed on account of the reasoning given while dismissing W.P.(C) No. 11160/2016 inasmuch as the respondent no.2/Punjab National Bank/employer has paid interest to the petitioner from the date of the order of the disciplinary authority dated 1.6.2015 till the date of payment. Petitioner was inflicted the punishment of reduction of pay to six lower stages.

8. The writ petition is accordingly dismissed.

W.P.(C) No. 10993/2016

9. This writ petition would stand dismissed partially on the reasoning given while dismissing W.P. (C) No. 11160/2016, but also for the additional reason, and as also noted in the order dismissing W.P.(C) No. 11160/2016, that some reasonable amount of time is always required for the employer to calculate the dues payable, and in this case, punishment order was imposed on 14.3.2014 and petitioner received his service benefits/terminal benefits on 25.3.2014. Hence no interest can be paid as claimed by the petitioner as there is no unreasonable delay.

10. Dismissed.

W.P.(C) No. 11177/2016

11. In this case the date of the order of the disciplinary authority imposing punishment is 30.6.2014 and the petitioner has been paid his service benefits/terminal benefits on 21.7.2014 i.e within three weeks of the date of the imposition of the order by the disciplinary authority, and which therefore is a reasonable time allowable to the employer for calculating and making payment of service benefits/terminal benefits. Hence no interest can be paid as claimed by the petitioner.

12. Dismissed.

FEBRUARY 20, 2017/ib

VALMIKI J. MEHTA, J