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

+ **W.P.(C) 5641/2017 & C.M. No.23619/2017**

GOVT. OF NCT OF DELHI & ORS

..... Petitioner

Through: Mr. Naushad Ahmed Khan, ASC

versus

HARBHAJAN SINGH

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER
10.07.2017

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The Union of India has assailed the order dated 07.11.2016 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (the Tribunal) in O.A. No.2619/2014. The short order passed by the tribunal read as follows:

“Order (ORAL)

Heard the learned counsel for both the sides.

2. *The only issue left before me now is payment of interest on the delayed payment of commutation. The commutation amount was paid on 25.04.2014.*

3. *The O.A. is, therefore, disposed of with a direction to the*

respondents to pay the amount of interest on the delayed payment of commutation at the same rate, at which they have calculated the interest on delayed payment of gratuity for the period from 01.08.2008 to 25.04.2014, within a period of one month from the date of receipt of certified copy of this order. No order as to costs”.

The respondent was serving as a sub-inspector since 26.12.1988. He was involved in a criminal case, wherein he was finally acquitted. The respondent was also departmentally proceeded. He was exonerated by the disciplinary authority on 13.01.2014 of all the charges levelled against him. In the meantime, the respondent had superannuated on 31.07.2008. His provisional pension had been fixed on account of the pending proceedings against him. After his acquittal and exoneration, as aforesaid, he became entitled to full pension including commutation of pension. His gratuity was subsequently paid with interest.

In this background, the tribunal held that he was entitled to interest on commutation of pension at the same rate at which it was paid on account of delay in payment of gratuity for the period 01.08.2008 to 25.04.2014. The commutation of pension was actually granted to him.

The submission of learned counsel for the petitioner is that the provisional pension of the respondent was fixed in terms of Rule 69 of the CCS Pension Rules. He submits that only after the exoneration of the respondent, his pension could be fixed and commutation of pension granted to him. He submits that consequently there has been no delay on the part of the department once the respondent had been exonerated.

We are not impressed by this submission. Since the respondent has been acquitted in the criminal proceedings as well as exonerated in the

departmental proceedings, he has to be placed in the same position, which he would have been had he not been subjected to the aforesaid proceedings. He would have become entitled for the same in the year 2008. There was a delay for a period of nearly six years. The respondent was, therefore, entitled to payment of interest on the commutation of pension.

We find no merit in this petition. Dismissed.

Interest be paid within four weeks from today.

VIPIN SANGHI, J

REKHA PALLI, J

JULY 10, 2017

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