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

\+ W.P.(C) 7997/2017

SUNITA SEHGAL

..... Petitioner

Through: Mr. Anuj Aggarwal, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION AND ANR

..... Respondent

Through:

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MS. JUSTICE REKHA PALLI

<u>O R D E R</u>

% **11.09.2017**

The petitioner has preferred the present writ petition to assail the orders dated 03.02.2017 and 14.03.2017 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (CAT/ Tribunal) in O.A. No. 168/2015 and R.A. No.73/2017 in the said O.A. The tribunal allowed the petitioners claim for grant of interest on arrears of retiral dues not paid to her by directing that the petitioner shall be entitled to interest at the rate applicable on GPF deposits for the delay indicated in the tabulation contained in para 2 of the order. The tribunal also held that in respect of excess payments received by the petitioner after 22.06.2010, the amount to be recovered from the petitioner be adjusted from the amounts payable to the petitioner.

The grievance of the petitioner is that the amount that had to be recovered in respect of excess payment made after 22.06.2010, had already been recovered. The recovery had been made from the withheld amount of Rs.6,17,568/-. Out of the said amount, the respondents had adjusted the amount to be recovered for excess payment after 22.06.2010.

If that is the case, the respondents shall take into account the said position while settling the account of the petitioner. To this extent, the order of the Tribunal stands clarified.

Mr. Aggarwal has also argued that the award of interest at the rates applicable to GPF deposits on the delayed payment of commutation of pension amount, GPF amount, and GIC amount is unjust, and that the petitioner should be awarded at least 12% interest for the amounts belatedly released to the petitioner. Learned counsel submits that the petitioner is a widow. He has also placed reliance on the decision of the Supreme Court in ***State of Kerala & Ors v. M. Padmanabhan Nair***, AIR 1985 SC 356.

We do not agree with this submission of Mr. Aggarwal. The rate at which the court would award interest for the amounts belatedly released to the person concerned, would depend on the rate of inflation which has been prevalent during the relevant period during which there has been a delay. This is because, interest is awarded to compensate for the falling value of money on account of inflation. The amounts which were released belatedly to the petitioner were due in the year 2013, and the delay ranged from 155-179 days. We can take judicial notice of the fact that the rate of inflation during the relevant period was more or less same as the rate of interest on GPF deposits. Thus, in our view, the petitioner has been adequately compensated by awarding interest at the rates applicable to GPF deposits. We, therefore, reject this submission of the petitioner.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

REKHA PALLI, J

SEPTEMBER 11, 2017
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