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

+ W.P.(C) 778/2017 & C.M. 3583/2017

RATTAN SINGH

..... Petitioner

Through: Ms. Rachna Rathee, Mr. Akhilesh
& Mr. Saroj Kumar Singh, Advocates

Versus

THE CHIEF MANAGER, BANK OF BARODA & ORS.

..... Respondents

Through: Ms Praveena Gautam, Mr. Jitesh P.
Gupta & Mr. Pawan Shukla, Advocates for
respondents No.1 & 2

Mr. Rajindra Gulati, Advocate for respondent
No.3

Mr. Pushp Saini, Advocate for respondent No.5

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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27.04.2018

By way of this petition, release of retiral benefits is sought. Petitioner was the Guarantor to the loan sought by fourth respondent from third respondent. Petitioner had retired from respondent-Bank of Baroda and the stand taken by respondent-Bank of Baroda in the counter affidavit is as under:-

“3. It is submitted that admittedly the Petitioner retired on 31.07.2012. His all the retiral benefits were credited to his saving bank account on 02.08.2012. He requested to the answering Respondent to create five FDRs of

Rs.One Lakh each on 16.08.2012. Till such time no dispute relating to the payment of his retiral benefit was raised by him. It is only now in 2016 that almost after delay of more than three years, that the Petitioner has raised a frivolous dispute of no-payment of his retiral benefits. The writ petition should be dismissed on the ground of delay itself.”

Upon hearing and on perusal of afore-noted stand taken by respondent-Bank of Baroda, it becomes quite evident that five Fixed Deposit Receipts (FDRs) of ₹1,00,000/- each were prepared out of retiral benefits of petitioner. Since there can be no lien on retiral benefits, therefore, this petition is allowed with direction to respondent-Bank of Baroda to release the aforesaid FDRs of ₹1,00,000/- each with interest accrued thereupon to petitioner within a period of four weeks, failing which the said amount shall carry interest @ 9% p.a. till realization.

With aforesaid directions, this petition and application are disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

APRIL 27, 2018

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