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

\+ W.P.(C) 3559/2019

S.L. GUPTA ..... Petitioner

Through: petitioner in person.

versus

UNION OF INDIA AND ANR. ..... Respondent

Through: Mr. Jasmeet Singh, CGSC.

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

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

% **08.04.2019**

<u>C.M. No. 16303/2019</u>

Exemption allowed, subject to all just exceptions. The application stands disposed of.

<u>W.P.(C) 3559/2019</u>

Issue notice. Counsel for the respondents accepts notice.

The petitioner has assailed the order dated 13.07.2018 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (the Tribunal) in O.A. No. 3719/2016. The petitioner had preferred the said Original Application to seek a direction to the respondents to pay compound interest @ 18% per annum for delayed payment of his retirement dues, including leave encashment, commuted value of pension and gratuity.

The Tribunal has rejected the said Original Application by observing that the petitioner had already been paid interest at GPF rates on the delayed payment of gratuity and that there was no provision for payment of interest either on delayed payment of pension or leave encashment. The impugned order is clearly contrary to the several decisions rendered by this Court in similar circumstances. We may take note of the decisions in ***Union of India and Ors. v. Dr. Satish Chandra Govil***, W.P. (C.) No. 5506/2018, decided on 16.01.2019, ***Mr. Mahesh Kumar Gupta v. Union of India & Anr.***, W.P. (C.) No. 3811/2017, decided on 06.02.2019 and ***Union of India and Ors. v. Pramod Kumar Pandey***, W.P. (C.) No. 3116/2019, decided on 29.03.2019.

In the light of the aforesaid admitted position that the payment of commuted value of pension, arrears of pension, as also leave encashment to the petitioner was delayed, the petitioner is entitled to compensation for the same by way of interest. It needs no reiteration that interest is awarded to offset the falling value of money on account of inflation and, accordingly, in the present case, once it is evident that the release of the retiral dues of the petitioner was delayed by the respondent for no fault of his, the respondents ought to pay interest to him at the G.P.F. rates.

The petition is, accordingly, allowed and the respondents are directed to pay interest to the petitioner on the commuted value of pension arrears, monthly pension and leave encashment for the period during which the said payment was delayed, at the rates applicable to G.P.F for the said period.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

REKHA PALLI, J

APRIL 08, 2019
N.Khanna