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

+ **W.P.(C) 4970/2019**

NORTH DELHI MUNICIPAL CORPORATION Petitioner

Through: Ms. Namrata Mukim & Ms. Unnati
Anand, Advocates along with
Mr.Sandeep, Asstt. Manager (DHO
CLS).

versus

JAWAHAR LAL

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER
09.05.2019

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C.M. No. 22104/2019

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 4970/2019 and C.M. Nos. 22103/2019 & 22105/2019

The only ground of challenge to the order dated 17.12.2018 raised by the petitioner in the present petition is that the petitioner is facing financial stringency and does not have the funds to honour the directions issued by the Tribunal to pay the retirement gratuity and MACP arrears within three months from the date of receipt of a copy of the order. The Tribunal has also directed payment of interest @ 8% per annum on the delayed release of

retiral dues w.e.f. 01.01.2017 till respective dates of their release.

Learned counsel for the petitioner submits that the petitioner is facing financial stringency and has issued a circular dated 01.03.2018 on the aspect of priority of payments.

We are not impressed by this submission. It is not open to the petitioner – which is an instrumentality of the State, to deny or delay payment to its employees on the aforesaid ground. The aforesaid circular dated 01.03.2018 cannot be used as a shield not to comply with the order passed by the Courts and the Tribunals.

Dismissed.

VIPIN SANGHI, J

REKHA PALLI, J

MAY 09, 2019

B.S. Rohella