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

% *Date of Judgment : 18<sup>th</sup> November, 2019*

+ **W.P.(C) 12054/2019**

**PARKASH CHANDRA** ..... Petitioner  
Through **Mr. Anuj Aggarwal, Advocate**

versus

**UNION OF INDIA & ORS.** ..... Respondents  
Through **Mr. Jitesh Vikram Srivastava and Mr. Bhuvanesh,** Advocates for UOI/respondent no.1.  
**Mr. N.K. Singh,** Advocate for Mrs. Avnish Ahlawat, Standing Counsel GNCTD for respondents no.2 and 3.

**CORAM:**

**HON'BLE MR. JUSTICE G.S.SISTANI**

**HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI**

**G.S. SISTANI, J. (ORAL)**

**CM.APPL 49369/2019(Exemption)**

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

**W.P.(C) 12054/2019**

3. Present petition is directed against an order dated 26.08.2019 passed by the Central Administrative Tribunal (the 'Tribunal'). The first portion of the order reads as under:

“For certain employees, that too, who are accused of charges of corruption, greed for money is almost unlimited. They make an effort to present a picture as though their

involvement in such cases is to be rewarded. This is one such.”

4. At the very outset, we are unable to appreciate the observations made by the Tribunal since in the third para of the order, it has been observed that although serious criminal charges were made against the petitioner, he was acquitted on 17.09.2015. Although there is no clarity as to whether any appeal was filed against the order of acquittal, there were certainly no departmental proceedings initiated against this officer. In this backdrop, we find the observations made by the Tribunal to be completely misplaced.
5. The petitioner had approached the Tribunal seeking interest on delayed payments of his arrears consequent upon his promotion and increase in salary. Admittedly, some payments were made on these three dates:

|            |   |               |
|------------|---|---------------|
| 12.06.2017 | : | Rs.1,69,518/- |
| 14.06.2017 | : | Rs.5,48,245/- |
| 15.12.2018 | : | Rs.7,96,609/- |
6. We have asked the learned counsel for the respondents to give reasons as to why payments were not made once the petitioner was acquitted on 17.09.2015. There is no plausible explanation rendered, except citing procedural delays. The first payment was released to the petitioner on 12.06.2017 while the third payment was made beyond the period of three months for unexplained reasons of procedural delays and calculations but without any just cause. In our view such delay cannot be condoned.

7. Learned counsel for the petitioner has relied upon the judgment passed by a Co-ordinate Bench of this Court in the case of ***T.R. Gupta v. MCD and Anr.***, [(W.P.(C).No.8443/2011] decided on 01.12.2011 to support his claim. Learned counsel for the petitioner submits that the petitioner would be entitled to interest @ 8%.
8. Accordingly, the writ petition is allowed. It is directed that the petitioner will be paid interest @ 8% p. a. from 01.01.2016 for the delayed payments as set-out above for the respective periods of delay. The payments be released within six weeks from today. The cost of Rs.10,000/- imposed on the petitioner is set aside.
9. The appeal stands disposed of in the above terms.

**G.S. SISTANI, J**

**ANUP JAIRAM BHAMBHANI, J**

**NOVEMBER 18, 2019**

pst