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

% ***Date of Decision: 23.02.2022***

\+ **W.P.(C) 3299/2022**

NORTH DELHI MUNICIPAL CORPORATION ......Petitioner

Through Ms Namrata Mukim with Ms Garima Jindal, Advs.

versus

SANTOSH DEVI ......Respondent

Through Mr Mohit Arura, Adv.

CORAM:
HON'BLE MR JUSTICE RAJIV SHAKDHER
HON'BLE MR JUSTICE TALWANT SINGH

[Court hearing convened via video-conferencing on account of COVID-19]

RAJIV SHAKDHER, J. (Oral):

CM APPL.9578/2022

1. Allowed, subject to just exceptions.

W.P.(C) 3299/2022

CM APPL. No.9577/2022[*Application filed on behalf of the petitioner for interim relief*]

CM APPL. No.9579/2022[*Application filed on behalf of the petitioner for taking on record additional documents*]

2. This writ petition is directed against the order dated 20.08.2018, passed by the Central Administrative Tribunal [in short, the "Tribunal"] in O.A. No.1479/2017.

2.1. As per the prayer made in the writ petition, the challenge laid to the order dated 20.08.2018 is confined to payment of interest for the delay that occurred in making requisite payments to the respondent.

3. According to us, this is one of those gross cases where the petitioner's/NDMC's apathy towards its employee, one, Mr Brij Lal Premi led to a situation where his retiral benefits were not paid upon his retirement. This state continued to obtain even after Mr Premi's death.

3.1. Concededly, the petitioner/NDMC misplaced the service book of the deceased employee i.e., Mr Premi.

3.2. To begin with, Mr Premi was employed as a Head Clerk with the erstwhile avatar of the petitioner/NDMC.

3.3 Mr Premi retired from service on 31.01.1998. As noticed above, Mr Premi's retiral dues were not paid.

3.4. Mr Premi expired in 2015. The respondent i.e., the widow of Mr Premi was, thereafter, made to run from pillar to post to claim the retiral benefits.

3.5. As a matter of fact, the respondent had to employ the Right to Information (RTI) route to ferret out relevant information from her deceased husband's employer i.e., the petitioner/NDMC.

4. It is in this context that the Tribunal, *via* the impugned order, passed the following operative directions:

> *"8. In the event, respondents are direction as under:-*
>
> *i) The GPF amount having been paid on 18.12.2017 after delay of about 19 years, the respondents shall now pay interest on this amount, at GPF rate for this entire period with effect from Date of Retirement in 1998 till 18.12.2017, within eight weeks from the date of receipt of a copy of this order.*
>
> *ii) The GIS payment has also been paid on 19.04.2018 after delay of almost 19 years. The amount paid is Rs.3141/-. The*

interest on this amount of Rs.3141/- at GPF rate shall also be paid for this entire period with effect from Date of Retirement in 1998 till 19.4.2018, within a period of eight weeks from the date of a copy of this order.

iii) Respondents are further directed to recreate the service book from whatever is available with them and work out all retiral dues e.g. leave encashment, pension, family pension etc. and pay the same along with interest at GPF rate for the entire period with effect from Date of Retirement till the time of payment, within a period of eight weeks of receipt of a copy of this order. The due date of payment, for the purpose of interest in respect of monthly pension, shall be reckoned as the month when it actually became due.

9. The OA is disposed of accordingly. In case, the benefits are not released within this period of eight weeks, the applicant shall be at liberty to approach the Tribunal again through a contempt petition. In such an eventuality, which Tribunal hope will not arise, it is also directed that respondent will be personally present during hearing…"

5. Ms Namrata Mukim, who appears on behalf of the petitioner/NDMC, says that, as indicated in the prayer made in the writ petition, the only aspect which the petitioner seeks to agitate before the Court concerns the direction for payment of interest.

5.1. Ms Mukim has drawn our attention to Annexure A-5, which is appended on page 113 of the case file, to establish the amounts that have been paid by the petitioner/NDMC to the respondent. This document is dated 31.01.2022. For the sake of convenience, the relevant part of the said document is extracted hereafter:

"<u>SUB: OA NO. 1479/2017 TITLED AS SANTOSH DEVI V/S COMMR NDMC</u>

The required information of payment made to Smt Santosh Devi w/o Late Sh Brij Lal Premi, Head Clerk (Retd) are as under:-

Serial No	*Type of Payment*	*Amount Rs.*	*RTGS Date*
1.	*GPF*	*1,12,963.00*	*19.12.2017*
2.	*GIS*	*3,141.00*	*18.04.2018*
3.	*Leave encashment*	*57,536.00*	*17.10.2018*
4.	*Family Pension Arrear 30.07.15 to 31.5.2018*	*2,79,120.00*	*06.07.2018*
5.	*DCRG*	*1,18,668.00*	*14.01.2019*
6.	*Difference of Family Pension Arrear*	*65,913.00*	*14.01.2019*
7.	*Un-drawn Pension from 01.2.1998 to 29.7.2015*	*15,99,640.00*	*24.06.2019*
8.	*Salary difference from 01.11.1982 to 31.01.1998*	*3,34,605*	*03.11.2021*

Further it is intimated that revised family pension in favour of Smt Sh Brij Lal Premi, Head clerk (Retd) ***(PPO No – 22328-G)*** *started w.e.f 01.11.2018 and normal family pension under 7th CPC Rs.10,805+DA."*

5.2. A perusal of the extract quoted above shows that the payments in favour of the respondent were triggered only after December 2017. However, these payments have also been made in tranches, and only exacerbated the troubles of the respondent.

5.3. Mr Mohit Arura, who has joined the proceedings on behalf of the respondent, says that, while the payments set forth above have been made, no interest has been paid in terms of the order dated 20.08.2018, passed by the Tribunal.

5.4. On being queried, Ms Mukim concedes that a contempt petition has been lodged by the respondent with the Tribunal.

5.5. It is obvious that the petitioner/NDMC has chosen to approach this Court, because a contempt petition has been filed.

6. Having regard to the aforesaid, we are of the view that no interference whatsoever is called for in a matter such as this. In fact, by filing this writ petition, the petitioner/NDMC has dragged the respondent to this Court as well, and, therefore, added to her financial burden.

6.1. The writ petition is, accordingly, dismissed with cost of Rs.20,000/-.

6.2 The cost will be remitted by the petitioner/NDMC to the respondent, within the next ten days from today.

7. Consequently, the pending applications shall stand closed.

RAJIV SHAKDHER, J

TALWANT SINGH, J

FEBRUARY 23, 2022/pmc

Click here to check corrigendum, if any