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

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Date of Decision: 14th December, 2022

+ W.P.(C) 9968/2018

SMT. JAI SHREE

..... Petitioner

Through: Mr. Suresh Sharma, Advocate.

versus

DIRECTOR OF EDUCATION GOVERNMENT
OF NCT OF DELHI AND ORS.

..... Respondents

Through: Ms. Avnish Ahlawat, Standing
Counsel with Ms. Laavanya Kaushik,
Mr. N.K. Singh and Ms. Aliza Alam,
Advocates for R-1 and 2 along with
Mr. Lalit Kumar, Assistant to Pairvi Officer,
DOE.

Mr. Vinod Sharma, Advocate for R-3 and 4.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGEMENT

JYOTI SINGH, J. (ORAL)

1. Present writ petition has been filed by the Petitioner seeking retirement gratuity and service gratuity for continuous service of 4 years and 11 months as well as NPS contribution of the employer by reckoning the service as 5 years under Rules 49 and 50(1)(a) of CCS (Pension) Rules, 1972 along with interest @ 18% per annum on delayed payment from the date of superannuation till actual realization of the amounts.

2. Learned Standing Counsel appearing on behalf of Respondents No. 1 and 2, on instructions from Mr. Lalit Kumar, Assistant to Pairvi Officer Zone 01, Directorate of Education, submits that

terminal/retiral dues of the Petitioner shall be released to the Petitioner within a period of five weeks from today. It is also submitted that since the provident fund contribution could not be released on account of non-contribution by the concerned Department, Respondent No. 1 shall ensure that the requisite deposits are made and PF contributions are also released to the Petitioner.

3. The assurance given by the Respondents is taken on record and it is directed that all retirement/terminal dues of the Petitioner be released within a period of five weeks from today. It is undisputed that Petitioner retired on superannuation on 28.02.2015 and was re-employed thereafter for two years. A period of over 7 years has elapsed from the date of superannuation and 5 years from the end of re-employment. In view of the settled law, Petitioner is entitled to interest on belated payment of the retiral/terminal dues. [*Ref.: Dr. A. Selvaraj v. C.B.M. College and Others, (2022) 4 SCC 627*]. Petitioner is, therefore, held entitled to interest @ 6% per annum on the retiral dues from the date of superannuation till actual payments.

4. Petition is accordingly disposed of.

JYOTI SINGH, J

DECEMBER 14, 2022/sn/shivam