

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HON'BLE SRI JUSTICE PULLA KARTHIK
Writ Petition No.22268 of 2014

ORDER : *(Per Hon'ble Sri Justice Abhinand Kumar Shavili)*

This Writ Petition is filed by the petitioners under Article-226 of the Constitution of India seeking a 'Writ of Certiorari' by calling for records relating to the order passed by the Central Administrative Tribunal (for short, 'the Tribunal'), Hyderabad in O.A.No.199 of 2013, dated 27.09.2013 and to quash the same.

2. Heard the learned Deputy Solicitor General of India, appearing for the petitioners and Mr. K.R.K.V Prasad, learned counsel appearing for the respondents.

3. Learned counsel for the petitioners contended that the 1st respondent is a retired 'Assistant Welfare Administrative Officer', the Disciplinary Proceedings were pending against the 1st respondent and after conclusion of Disciplinary Proceedings the petitioners have released pensionary benefits. Learned counsel for the petitioners had further contended that the 1st respondent has approached the Tribunal by filing

O.A.No.199 of 2013 claiming interest on the delayed disbursal of pensionary benefits and the Tribunal vide orders dated 27.09.2013 was pleased to allow the O.A in favour of the 1st respondent without appreciating any of the contentions raised by the petitioner. The Tribunal has granted 10% interest to the 1st respondent for the delayed disbursal of pensionary benefits.

4. Learned counsel for the petitioner had further contended that once the Disciplinary Proceedings are concluded, the petitioners have disbursed the entire pensionary benefits without any delay. This fact was not appreciated by the Tribunal and has mechanically allowed the O.A in favour of the 1st respondent. Therefore, appropriate orders be passed in the writ petition by setting aside the orders passed by the Tribunal in O.A.No.199 of 2013, dated 27.09.2013 and allow the writ petition.

5. On the other hand, learned counsel for the 1st respondent had contended that whenever the Disciplinary Proceedings are dropped, the petitioners

have to pay pensionary benefits from the date of retirement. As admittedly, the Disciplinary Proceedings initiated against the 1st respondent were dropped by the petitioners and the Tribunal was justified in allowing the O.A in favour of the 1st respondent by directing the petitioners to pay 10% interest for the delayed disbursal of pensionary benefits.

6. Learned counsel for the 1st respondent had further drawn our attention to the judgment of the Hon'ble Supreme Court in ***Vijay L. Mehrotra Vs. State of U.P***¹, wherein the Hon'ble Supreme Court has granted interest for the delayed disbursal of pensionary benefits. Therefore, the Tribunal was justified in allowing O.A in favour of the 1st respondent. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

7. This Court, having considered the rival submissions made by the parties, is of the considered view that the issue raised in the present writ petition is squarely covered by the judgment rendered by the

¹ (2001) 9 SCC, 687

Hon'ble Supreme Court in ***Vijay L. Mehrotra's*** case (1 supra), wherein the Supreme Court held that an employee is entitled for interest for delayed disbursal of pensionary benefits. Therefore, the Tribunal was justified in allowing O.A in favour of the 1st respondent. This Court is not inclined to interfere with the orders passed by the Tribunal.

8. With these observations, the Writ Petition is dismissed. No costs.

9. As a sequel, miscellaneous applications pending if any in this Writ Petition, shall stand closed.

ABHINAND KUMAR SHAVILI, J

PULLA KARTHIK , J

Date: 04.01.2023
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