



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

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Date of Decision: July 07, 2023

+ W.P.(C) 9000/2023 & CM Appls. 34131-34132/2023

JAGDISH

..... Petitioner

Through: Mr. Nitin Jain, Advocate.

versus

THE PRINCIPAL, GOVT. BOYS, SENIOR
SECONDARY SCHOOL GBSSS AND ORS.

..... Respondents

Through: Ms. Latika Choudhary, Advocate.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

V. KAMESWAR RAO (Oral)

1. The challenge in this writ petition is to an order dated May 30, 2023 whereby the Tribunal has allowed the O.A.No. 281/2021 by stating in paragraph Nos. 4 and 5 as under:-

“4. In view of the above, this Tribunal deems it fit and proper to dispose of this OA at this stage without going into its merits by directing the respondents to decide the pending representation of the applicant dated 27.02.2020 within a period of 60 days from the date of receipt of a certified copy of this order by passing a speaking order. In case the representation of the applicant is decided favourably, amount of UTGEIS may be released in his favour, within a period of 30 days from the date of decision of the said representation.

5. It is observed that, no cause is made out for payment of interest as the amounts were paid to him within two months whereas the



time required to pay the terminal benefits is three months and the payments are made to him within time. In case, the grievance of the applicant still subsists, he may re-approach this Tribunal.”

2. The Tribunal has despite delay on the part of the respondents to pay retiral benefits has denied the interest to the petitioner. On the aspect of payment of UTEGIS (Union Territories Employees Group Insurance Scheme), the Tribunal directed the petitioner to make representation which has to be decided by the respondents within sixty (60) days from the date of receipt of a certified copy of the order by passing a speaking order.
3. Mr. Nitin Jain, learned counsel appearing for the petitioner would by drawing our attention to page number 25 of the paper book contend that there has been a delay in payment of the retiral benefits like Gratuity, Commutation of pension, Leave encashment, Pension and GPF as they have not been paid on the date of retirement, which they were required to pay.
4. On the other hand, learned counsel for the respondents would justify the order of the Tribunal stating that as the retiral benefits were required to be paid within three months and the same have been paid within two months, so there is no delay and interest component was rightly denied.
5. We have heard learned counsel for the parties and also perused the impugned order. We deem it appropriate to modify the order of the Tribunal and dispose of the writ petition by stating that the present writ petition shall be treated as a representation on behalf of the petitioner on the aspect of payment of interest on the delayed payment of retiral benefits of Gratuity, Commutation of pension, Leave encashment, Pension and GPF and also with regard to payment of UTEGIS by passing a speaking and reasoned



order. If the petitioner is entitled to interest on the retiral benefits and also of the UTEGIS, including the interest thereof the respondents shall release the same within a period of four weeks from the disposal of the representation.

6. We deem it appropriate to direct that the writ petition which is to be treated as representation shall be decided within eight (8) weeks from today.

7. The writ petition is disposed of.

V. KAMESWAR RAO, J.

ANOOP KUMAR MENDIRATTA, J.

JULY 07, 2023/mr

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