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

% *Date of decision: September 21, 2023*

(44)+ W.P.(C) 12473/2023 & CM APPL. 49180/2023

ZARINA NAQVI

..... Petitioner

Through: Mr. Bajrang Vats, Adv.

versus

MUNICIPAL CORPORATION OF DELHI

..... Respondent

Through:

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

V. KAMESWAR RAO, J. (ORAL)

CM APPL. 49180/2023

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 12473/2023

1. The challenge in this petition is to an order dated November 10, 2022 passed by the Central Administrative Tribunal, Principal Bench, New Delhi ('Tribunal', for short) in OA 1766/2021, whereby the Tribunal has allowed the petition filed by the petitioner by stating in paragraph 10 as under:

> *"10. With the above observation, The OA is disposed of. The respondents are directed to release the pensionary benefits to the applicant, within a period of 120 days after production of document as stated above, including the Court order, qua the one*

Neelam/Nilofer. There is no doubt that the department is ready and willing to make the payments for want of formalities to be completed by the applicant. The day she completes all the formalities, payment will be released to her within 90 days. The applicant is entitled interest @ 6% from 26.09.2020 onwards, if aforesaid formality is completed within 30 days. There shall be no order as to costs."

2. The only challenge to the impugned order is that the Tribunal under the impugned order has granted the interest on the benefits to be released to the petitioner w.e.f September 26, 2020 and not immediately after the death of the employee that is the husband of the petitioner.

3. There is no dispute that the employee had expired on March 18, 2018. The information in that regard was sent to the respondent on April 3, 2018. That apart, that the petitioner had also submitted a succession certificate. It is also stated that on August 17, 2020, the petitioner submitted an application, in Form 12 for release of the terminal benefits.

4. The only issue which arises for consideration is whether the petitioner is entitled to interest immediately after the employee has expired or from the date as noted by the Tribunal. There cannot be any dispute that, on the death of the employee, the terminal benefits are required to be released to the petitioner. If that be so, we do not find any reason for the Tribunal to limit the grant of interest w.e.f September 26, 2020 and not from the date of the entitlement of the petitioner to the terminal benefits on the death of the employee.

5. The learned counsel appearing for the respondent justifies the grant of interest w.e.f September 26, 2020, i.e., the date when the

petitioner had submitted the relevant documents for the release of the terminal benefits.

6. Suffice to state, the entitlement shall be immediately after the death of the employee. The difference in the period being of two years, we are of the view that the petitioner shall be entitled to interest @ 6% on the amount (s) to be released as per the direction of the Tribunal immediately after the death of the employee. No other direction of the Tribunal has been modified.

7. It is also be clarified, wherever the interest is payable under any Rules / under the Act like, GPF and Gratuity, the interest shall be paid as per the said Rules and Act.

8. The petition stands disposed of.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

SEPTEMBER 21, 2023/*jg*