



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

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Date of decision: November 21, 2023

+ W.P.(C) 14704/2023, CM APPL. 58515/2023

(2) GOVT OF NCT OF DELHI AND ORS.

..... Petitioners

Through: Mrs. Avnish Ahlawat, SC, GNCTD
(Services) with Mrs. Taniya Ahlawat,
Mr. Nitesh Kumar Singh,
Ms. Laavanya Kaushik, Ms. Aliza
Alam and Mr. Mohnish Sehrawat,
Advs.

versus

RAMESH SAGAR

..... Respondent

Through: Mr. Counsel (appearance not given)

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

V. KAMESWAR RAO, J. (ORAL)

1. The challenge in this writ petition is to an order dated September 14, 2023, passed by the Central Administrative Tribunal Principal Bench, New Delhi ('Tribunal', for short) in MA No.3204/2021 in Original Application No.4488/2011 ('OA', for short), whereby the Tribunal has granted three weeks time as a last opportunity to petitioners herein to file an affidavit indicating compliance of directions of the Tribunal particularly as contained in paragraph 17 of the order dated July 27, 2012, passed in the OA. Suffice to state, paragraph 17 of the order dated July 27, 2012 reads as



under:

“17. However, prayer 8.3 made in the OA is allowed, and as and when the withheld amount of gratuity is disbursed to the applicant, simple interest at the rate of applicable rates of interest on Provident Fund from time to time, for the whole period, shall be paid to the applicant, without any compounding of the interest.”

2. It may be stated here that the respondent herein had filed the OA before the Tribunal wherein the issue was with regard to the final orders to be passed on the inquiry report pursuant to charge sheet issued to the respondent herein which was converted into Rule 9 of CCS (Pension) Rules, 1972 proceedings. In paragraphs 15 to 17, the Tribunal has held as under:

“15. As per the submission of both sides, it is clear that the departmental enquiry against the applicant is now complete, and a decision on the enquiry report can be taken by the respondent authorities. The applicant has also cooperated in the conduct of the enquiry and, therefore, his first prayer to quash the charge sheet issued to him cannot be allowed. In these circumstances, it is apparent that we can only direct the Disciplinary Authority to take a final decision and pass appropriate orders, after affording the applicant an opportunity to respond to the enquiry report submitted against him. Such final orders of the Disciplinary Authority may be passed within one month of receipt of the reply/response of the applicant.

16. A decision on the disciplinary enquiry would also allow the respondents to pass necessary orders in regard to the release of the gratuity amount lying un-disbursed with the respondent authorities. Therefore, it is not necessary to pass a separate order in this regard, except directing that a decision on the release of the gratuity amount should also be taken within one month after the



receipt of the representation of the applicant to the Disciplinary Authority against the enquiry report.

17. However, prayer 8.3 made in the OA is allowed, and as and when the with-held amount of gratuity is disbursed to the applicant, simple interest at the rate of application rates of interest on Provident Fund from time to time, for the whole period, shall be paid to the applicant, without any compounding of the interest."

3. It is a conceded position that the respondent was given the gratuity with interest pursuant to the final order passed by the Ministry of Home Affairs, Government of India dated August 24, 2017. The gratuity was released on July 4, 2018 after computing interest w.e.f. November 24, 2017, for an amount of ₹8,838/-.

4. The claim of the respondent before the Tribunal in MA No.3204/2021 was that the respondent is entitled to gratuity from April 1, 2004 till July 3, 2018, when the gratuity was required to be paid.

5. We are not in agreement with this plea of the learned counsel for the respondent for the reason the order of the Tribunal dated July 27, 2012 more specifically paragraph 16 thereof is very clear that the final order was required to be passed within one month from July 27, 2012. Though, the final order was passed on August 24, 2017, surely the respondent is entitled to the interest as directed by the Tribunal i.e., one month after July 27, 2012 and not from 2004, as is the claim of the respondent.

6. The writ petition is disposed of directing the petitioners to pay the interest computed on the gratuity, one month after July 27, 2012 and pay the same to the respondent within a period of eight weeks from today, subject to adjustment of the interest already paid.



7. With the above, we close the MA being MA No.3204/2021, pending before the Tribunal. In the eventuality, the amount as per this order is not paid by the petitioners, liberty is with the respondent to revive the MA No.3204/2021 before the Tribunal.

8. The writ petition is disposed of.

CM APPL. 58515/2023

Dismissed as infructuous.

V. KAMESWAR RAO, J

ANOOP KUMAR MENDIRATTA, J

NOVEMBER 21, 2023/aky