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

\+ W.P.(C) 7026/2024

SHISH RAM ..... Petitioner

Through: Mr.Sahil Mongia & Mr.Shahil Rao, Advs.

versus

MUNICIPAL CORPORATION OF DELHI & ANR. ..... Respondents

Through: Dr.Divya Swamy, SC, MCD with Mr.Rishav Ranjan, Ms.Akriti Singh & Ms.Yagyanalkya Singh, Advs.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MR. JUSTICE SAURABH BANERJEE

<u>O R D E R</u>

% **16.05.2024**

<u>CM APPL. 29240/2024</u>

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present petition under Articles 226 & 227 of the Constitution of India seeks to assail the order dated 04.01.2024 passed by the learned Central Administrative Tribunal (Tribunal) in OA No.2841/2022, insofar as it does not grant any interest on the commuted portion of the petitioner's pension. It is the petitioner's claim that this amount had become due and payable to him on 01.06.2021 but has been received by him only in June 2023 and therefore, he should be paid interest on this amount as well.

4. Issue notice. Learned counsel for the respondents accepts notice. While not denying that the amount towards commutation of pension was paid to the petitioners only in June, 2023, she submits that the delay in payment of the said amount was only on account of financial hardship being faced by the respondent/corporation. Furthermore, between June 2021 to September 2021, when the Covid-19 pandemic was at it's peak, all the funds available with the corporation were being utilized for the welfare of the citizens and, therefore, no interest should be awarded for this period. Finally, she submits that the impugned order has already been implemented and, therefore, contends that the present petition would be liable to be dismissed on this ground alone.
5. Having considered the submissions of learned counsel for the parties, we are of the view that in the light of the admitted position that the amount towards commuted pension became payable to the petitioner w.e.f. 01.06.2021 i.e. 3 months after he had superannuated, there is undoubtedly delay on the part of the respondents in making the said payment. Even if we were to accept the plea of the respondents that this delay was only on account of financial hardships being faced by the respondents, we are of the view that the employer's financial hardship in itself cannot be a ground to deny a superannuated employee of his rightful dues.
6. Furthermore, the mere implementation of the impugned order cannot be a ground to deprive the petitioner of his rightful claim for interest. However, there is merit in the respondent's plea that there was acute shortage of funds with the corporation between June 2021 to

September 2021 and, therefore, we are of the view that in the peculiar facts of the present case when the petitioner has already been granted interest on all his other terminal dues, the interest of justice would be met by directing the respondents to pay interest on commuted portion of his pension to the petitioner at the rate of interest payable on General Provident Fund (GPF).

7. The writ petition is, accordingly, allowed by modifying the impugned order and directing the respondent to pay interest to the petitioner on the commuted portion of his pension w.e.f., 01.10.2021 at the rate of interest payable on GPF. The amount in terms of this order be paid within eight weeks.

8. The writ petition stands disposed of in the aforesaid terms.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 16, 2024

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