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

+ **W.P.(C) 10316/2024**

SH. PREM SAGAR VERMAPetitioner

Through: Mr. Anjum Kumar, Advocate

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Vivekanand Mishra, Senior Panel
Counsel with Mr. Lovekesh Aggarwal,
Government Pleader for R-1.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **26.07.2024**

CM APPL. 42249/2024 (exemption)

1. Allowed, subject to all just exceptions.

2. Application stands disposed of.

W.P.(C) 10316/2024

3. This writ petition has been preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following reliefs:

"It is, therefore, most humbly prayed that this Hon'ble Court may graciously be pleased to issue directions to the respondents to pay the interest @ 24% p.a. to the petitioner w.e.f. 30.11.2002 i.e. the date of superannuation till its realization on the amount of his delayed salary, pension and retiral compensation and benefits paid to the petitioner on 04.08.2011 in the interest of justice.

Any other order(s) which this Hon'ble Court deem fit and proper may also be passed in favour of the petitioner and against the respondents."

4. Petitioner retired on superannuation on 30.11.2002, while working as Accounts Officer and was proceeded against in major penalty proceedings under Rule 14 of CCS (CCA) Rules, 1965, which culminated in a penalty of reduction to two lower stages in the time scale of pay till 20.11.2002 along with withholding of increments. Petitioner approached the Central Administrative Tribunal ('Tribunal'), Principal Bench New Delhi



challenging the penalty order as well as the order of the Appellate Authority in O.A. No.2529/2003 and vide judgment dated 24.08.2004, the O.A. was partly allowed on the ground that the punishment, which has the effect of reducing the pay within ten months, which is the period for calculation of average emoluments for determining the pension of a Government employee, cannot be sustained and direction was issued to the Respondents to recalculate the pension of the Petitioner. Writ Petition filed by the Respondents against the said judgment was dismissed on 30.04.2009 and Respondents made payments to the Petitioner on 04.08.2011, implementing the judgment of the Tribunal. The grievance of the Petitioner in the present writ petition is for grant of penal compound interest for a delay of 11 years in making payment.

5. Petitioner was an employee of the Ministry of Defence and the relief sought is in the nature of a service matter and is thus to be adjudicated by the Central Administrative Tribunal, as a Court of first instance, in view of the judgment of the Constitution Bench of the Supreme Court in *L. Chandra Kumar v. Union of India and Others*, (1997) 3 SCC 261. Petitioner is himself conscious of the fact that service matters pertaining to Ministry of Defence are amenable to adjudication by the Tribunal and had thus approached the Tribunal in the earlier round of litigation.

6. This writ petition cannot be entertained and is accordingly, dismissed granting liberty to the Petitioner to take recourse to his legal remedies before the appropriate forum, in accordance with law, if so advised.

JYOTI SINGH, J

JULY 26, 2024/kks