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

\+ LPA 676/2013

MR SUBRAT BASAK & ANR .....Appellants

Through: Mr. Piyush Sharma, Mr. Shivam Dubey and Mr. Anuj Kumar Sharma, Advocates.

versus

RASHTRIYA PARIYOJNA NIRMAN NIGAM LTD .....Respondent

Through: Mr. Paritosh Budhiraja, Ms. Divya Singh and Ms. Larika Khandelwal, Advocates.

CORAM:
HON'BLE MR. JUSTICE YASHWANT VARMA
HON'BLE MR. JUSTICE RAVINDER DUDEJA

O R D E R

% **24.10.2024**

1. This appeal is directed against the judgment dated 8 April 2013 rendered by the learned Single Judge and which has in terms thereof proceeded to allow the writ petition in the following terms:-

> "6. In my opinion, no doubt, the writ petition would have to be allowed with respect to arrears of salary which had to be paid to the petitioners in terms of the office orders of the respondent dated 24.4.1991, 20.7.1990, 16.8.l990 and 20.l2,1990, however, the arrears which would be paid to the petitioners will be in Indian Rupees. Since salary is not a favour which is done to employees or a bounty conferred, and petitioners have not received the arrears of salary of the enhanced amounts, they should be paid the arrears by implementation of the 4th Pay Commission Report alongwith interest as compensation for the delay in payment. Petitioners, therefore, will also be entitled to interest @ 12% p.a. simple with respect to the arrears payable to each of the petitioners, and this interest @ 12% p.a. will be payable on the balance amount payable to the petitioners in terms of the office orders dated 24.4.1991 (qua petitioner No.l) 20.7.1990 (qua petitioner No.2), 16.8.1990 (qua

> petitioner No.3) and 20.12.1990 (qua petitioner No.4). It is ordered that the entire arrears along with interest be paid to the petitioners within a period of three months from today."

2. Learned counsel appearing for the appellant has essentially contended that while the petitioner is satisfied with the relief as framed, it is aggrieved in this appeal to the extent of the learned Single Judge having failed to make any observation in respect of the obligation of the respondent to bear in mind the Office Order of 06 November 1982 and to bear in consideration the exchange rate that prevailed in respect of Iraqi Dinars.

3. It appears to have been urged before the learned Judge that the enhanced and revised salaries were liable to be paid to the appellant in Iraqi Dinars. This was, however, negated by the learned Judge and is neither questioned nor assailed before us in this appeal. The solitary question which, therefore, survives is whether the exchange rate fluctuations were liable to be borne in consideration while computing the arrears which were liable to be paid to the petitioner ultimately in Indian Rupees.

4. We note that in this connection, the learned Single Judge has found in favour of the appellant and commanded the respondent to compute the arrears as payable in terms of the Office Orders dated 24 April 1991, 20 July 1990, 16 August 1990 and 20 December 1990.

5. While the learned Judge has observed that the appellant could be paid in Indian Rupees, we are of the opinion that the same would have to necessarily be viewed alongside the exchange rates which were prevalent during the period in question.

6. We note that insofar as this aspect is concerned, an identical question came to arise before the Supreme Court. In **Manohar Lal &**

Ors vs. National Building Construction Corporation Ltd. & Ors[1], a writ petition preferred by an employee of the National Building Construction Corporation Limited came to be disposed of in the following terms:-

> "After hearing counsel for both the parties, the Writ Petition is disposed of with the following order:
> The respondent, M/s. National Building Corporation Ltd. will pay to the petitioners, their wages which were payable in Iraqi Dinar at the Bank rate of conversion prevailing at the time of payment of his wages. The respondents will pay interest on the delayed payment at the rate of 8 per cent per annum. The payment already made will be taken into consideration. These payments will be made with three months from today."

7. In our considered opinion, it is the rate of conversion prevailing during the period for which arrears were found to be payable which would have to be borne in consideration and factored in while undertaking and completing the exercise of computation.

8. We accordingly render the aforesaid clarification and dispose of the writ petition.

9. The computational exercise be accordingly undertaken by the respondent in light of the clarification rendered above.

YASHWANT VARMA, J.

RAVINDER DUDEJA, J.

OCTOBER 24, 2024/SKY

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[1] Writ Petition No. 1311/1989 decided on 20 August 1990