



2024:DHC:9535-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 09.12.2024

+ W.P.(C) 16954/2024
GOPINATHAN T KPetitioner
Through: Mr.S. Sunil & Mr.Jagdish. N.,
Adv.

versus

MUNICIPAL CORPORATION OF DELHIRespondent
Through: Ms.Sanya Bhatia, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MR. JUSTICE RAVINDER DUDEJA

NAVIN CHAWLA, J. (Oral)

1. This petition has been filed by the petitioner challenging the Order dated 17.07.2023, passed by the learned Central Administrative Tribunal, New Delhi (hereinafter referred to as 'Tribunal'), in Original Application No. 112/2023, titled ***Shri Gopinathan TK (B) v. Municipal Corporation of Delhi.***

2. The limited prayer of the petitioner in challenge to the above order is that the learned Tribunal has failed to direct the respondent to pay interest on the remaining retirement dues of the petitioner, which were directed to be paid by the respondent within a period of eight weeks from the date of receipt of the certified copy of the said order.

3. It is the case of the petitioner that he retired from service with the respondent on 30.11.2020. Despite representation, as his entire retiral benefits were not released to him, he was forced to file the



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above-mentioned Original Application before the learned Tribunal. Before the learned Tribunal, the respondent admitted the dues but pleaded financial stringency being faced by it. The learned Tribunal, therefore, directed the respondent to pay the remaining retiral dues to the petitioner within a period of eight weeks from the date of receipt of the certified copy of the said order. However, this directive was not complied with, which forced the petitioner to file a Contempt Petition, bearing No. 749/2023, before the learned Tribunal. It was only at this stage that the respondent complied with the order of the learned Tribunal and paid the retiral benefits, albeit without interest. When this was pointed out to the learned Tribunal, the learned Tribunal was of the opinion that as in the Order dated 17.07.2023, there was no direction with respect to the payment of interest, the same could not be directed to be paid in a Contempt Petition. This has forced the petitioner to file the present petition before this Court.

4. The learned counsel for the petitioner submits that once it was admitted that even the due amount of retiral benefits had not been paid to the petitioner on account of the alleged financial stringency of the respondent, the same should be paid with interest.

5. Issue notice.

6. Notice is accepted by Ms. Sanya Bhatia, the learned counsel on behalf of the respondent. She submits that in the Order dated 17.07.2023, there is no direction for the payment of interest, and therefore, the learned Tribunal has rightly rejected the said prayer in its Order dated 30.07.2023, passed in the Contempt Petition filed by the petitioner.



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7. Having considered the submissions made by the learned counsels for the parties, we are of the opinion that the petitioner should first approach the learned Tribunal for seeking the direction against the respondent for payment of interest on the delayed payment of the retiral benefits. If such an application is made by the petitioner within a period of four weeks from today, the learned Tribunal shall consider the same on merit, and any delay in filing of such application shall be treated as condoned.

8. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

RAVINDER DUDEJA, J

DECEMBER 9, 2024/rv/DG

Click here to check corrigendum, if any