



2025:DHC:735-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 401/2025 and CM APPL. 2064/2025****RAJBIR SINGH**

.....Petitioner

Through: Mr. Jai Singh Mann, Advocate.

versus

THE COMMISSIONER MCD AND ANR

.....Respondent

Through: Mr. Anand Prakash, SC with Ms.
Varsha Arya and Mr. Satbeer Prajapati,
Advs. for MCD.**CORAM:****HON'BLE MR. JUSTICE C. HARI SHANKAR****HON'BLE MR. JUSTICE AJAY DIGPAUL****JUDGMENT (ORAL)**

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04.02.2025**C. HARI SHANKAR, J.**

1. This writ petition assails judgment dated 22 August 2024 passed by the Central Administrative Tribunal¹ in OA 2821/2023, to the extent the Tribunal has awarded interest on delayed payment of retiral benefits to the petitioner at GPF rates.

2. Mr. Mann, learned Counsel for the petitioner's contention, is that the Tribunal, has in other cases, awarded interest at the rate of 12% p.a. in the case of delayed payment of retiral benefits by the MCD. He submits that consistency in the matter of the rate of interest awarded in such cases is necessary, especially where there is no

¹ "the Tribunal" hereinafter



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ground to distinguish one case from the other.

3. It is true that we are coming across some cases in which the Tribunal has been awarding interest on delayed payment of retiral benefits at GPF rates and others where they have been awarding at varying rates, including 12% p.a., where the MCD has delayed disbursal of retiral benefits to the employee.

4. In *MCD v Bijender Singh*², we have held that the MCD cannot escape its liability to pay interest on delayed payment of retiral benefits merely on the ground of financial stringency. At the same time, Mr. Mann is correct in his submission that there has to be uniformity in the matter of the rate of interest awarded to the persons who may otherwise be similarly situated.

5. We, therefore, deem it appropriate to set aside the impugned order to the extent it awards interest to the petitioner on the delayed payment of retiral benefits at GPF rates and request the Tribunal to take a fresh look at the rate of interest which should be awarded to the petitioner. It would be open to the petitioner to convince the Tribunal that a higher rate of interest should be paid.

6. We also request the Tribunal to take whatever steps are possible in order to ensure that there is uniformity in the matter of awarding of rate of interest on delayed payment of retiral benefits.

² (2024) SCC OnLine Del 7716



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7. In view of the nature of the order we are passing today, and as it involves an issue of uniformity in judicial orders passed by the Tribunal in respect of rate of interest to be awarded on delayed payment of retiral benefits, we direct that this matter be placed before the Hon'ble Chairman of the Tribunal, who is respectfully requested to constitute an appropriate Bench to take call on the matter, so that there is no lack of uniformity in the matter of rate of interest paid on retiral benefits, where the MCD has been found responsible for delayed disbursal.

8. Let the parties appear before the Hon'ble Chairman of the Tribunal on 19 February 2025.

9. As financial issues are involved, and as different Benches of the Tribunal are taking different view in the matters of rate of interest, if the Hon'ble Chairman deems it appropriate, he may even consider constituting a Full Bench to look into the matter. We, however, leave that to the wisdom of the Hon'ble Chairman, who is an eminent retired Chief Justice.

10. The writ petition is disposed of, in the aforesaid terms.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

FEBRUARY 4, 2025/yg

Click here to check corrigendum, if any