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

Date of decision: 12.08.2025

(11)+ W.P.(C) 4671/2019

NDMC

.....Petitioner

Through: Ms.Namrata Mukim, SC for
MCD

versus

VIJAY LAXMI & ORS

.....Respondents

Through: Mr.Jobby P. Varghese, Mr.Aby
P. Varghese and Ms.Rashi
Goel, Advs.

(12)+ W.P.(C) 7077/2019 & CM APPL. 29479/2019

VIJAY LAXMI

.....Petitioner

Through: Mr.Jobby P. Varghese, Mr.Aby
P. Varghese and Ms.Rashi
Goel, Advs.

versus

NORTH DELHI MUNICIPAL CORPORATION AND ORS.

.....Respondents

Through: Ms.Namrata Mukim, SC for
MCD

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. These petitions have been filed by the parties, challenging the Order dated 11.10.2018 passed by the learned Central Administrative



Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 2337/2016, titled **Vijay Laxmi (Retd.) v. North Delhi Municipal Corporation & Ors.**, whereby the O.A. filed by Ms. Vijay Laxmi was partially allowed in the following terms:

“11. The matter was heard at length. It is seen that she herself was the bill drawing officer and accordingly for all the delays in payment of salary for the period 01.05.2013 to 31.07.2014 (Sr. No.1 to 17 of para 4.6 of OA), she is herself responsible. It is also noted that she was transferred in May; 2013, an order which she carried out after lot of delay. The leave application for this period was by her in July, 2014 only. Thus no interest is payable for this part. It is also noted that nowhere have respondents brought out that any disciplinary case was pending against the applicant when she superannuated. Since salary was being paid till she superannuated, the LPC could be issued in time. In view of the note of the respondents dated 25.07.2014 (para 10 supra), the delay for preparation of LPC and payment of retiral dues, could not be attributable to the applicant. For this part of delay, the respondents are held responsible. Accordingly, the applicant is required to be paid interest for the delay in release of retiral dues for this period.”

xxx

In the event for the delays in payment for the retiral dues, including leave encashment, as mentioned in the para 4.6 of OA (from Sl No. 18 to 24), the respondents are directed to pay the interest at the GPF rate of interest within a period of eight weeks of receipt of certified copy of this order. ”

(Emphasis supplied)

2. In the present Judgment, we shall be referring to Smt. Vijay



Laxmi as the petitioner, and the erstwhile North Delhi Municipal Corporation (now Municipal Corporation of Delhi) as the respondent.

3. The petitioner was working as Assistant Education Officer (Science) and was posted at Karol Bagh Zone. By an Order dated 28.05.2013, she was promoted to the post of Deputy Director Education (General) on current duty charge, and was transferred to the Headquarters. By a subsequent Order dated 01.06.2013, she was transferred to the Civil Lines Zone, where she joined on 04.06.2013, whereafter, she was transferred to the Sadar Paharganj Zone on 11.07.2013.

4. It is contended that the petitioner was not released any salary for the month of May, 2013 onwards. She proceeded on leave on 15.07.2013, and remained on leave till 19.07.2013., without filing any application for the same. However, she later applied for extension of leave on medical grounds with effect from 20.07.2013 to 26.07.2013, and joined the duty on 29.07.2013, but again proceeded on leave on the very same day. She continued to remain on leave till 14.03.2014. She was declared fit for duty on 15.03.2014, and she joined duty on 18.03.2014. She superannuated from service on 31.07.2014.

5. Claiming that her salary for the period 15.07.2013 till 14.03.2014 had not been released to her, and her retiral dues were also not released to her on time, she filed the above O.A. before the learned Tribunal.

6. From the extracts of the Order reproduced hereinabove, it would be apparent that the learned Tribunal, by its Impugned Order, held that the petitioner would not be entitled to interest on the delay in



release of the salary to her, as she herself was responsible for the delay in the release of the same. However, as far as the delay in payment of the retiral dues are concerned, the learned Tribunal held that the petitioner shall be entitled to interest at the GPF rates of interest as the delay in releasing the same was caused by the respondent.

7. The learned counsel for the petitioner submits that the delay in release of the salary was on account of the administrative reasons of the respondent. He submits that the petitioner had been submitting timely applications for sanction of her leave, however, the respondent failed to take any decision thereon. It is only when the petitioner finally joined service on 18.03.2014, that the file was moved for obtaining *ex post facto* sanction of her leave. In the Note put up for obtaining instructions on the treatment to be according to the period of leave, it was highlighted by the department itself that a decision on the same should be expedited because the petitioner was to retire on 31.07.2014. In spite of the same, due to lack of the Last Pay Certificate (LPC) being transferred from Karol Bagh Zone, where she was earlier posted, to the Headquarter and finally to the Sadar Paharganj Zone, the salary could not be released to the petitioner. He submits that the respondent also required the biometric attendance sheet from the Karol Bagh Zone, which the Karol Bagh Zone failed to provide, however, the blame of the same has been placed on the shoulders of the petitioner. He submits that as the payment of the salary dues have been delayed by the respondent, the petitioner was entitled to interest on the same.

8. The learned counsel for the MCD, on the other hand, submits



that the petitioner was posted as a Deputy Director Education and, therefore, was the Officer-in-Charge for pay dispersion not only for herself but for other employees in the Zone as well. It is for the fault of the petitioner that her Last Pay Certificate could not be prepared, as she went on leave without sanction. Later, even though she was requested to provide her biometric attendance sheet, she failed to do so.

9. The learned counsel for the MCD further submits that in spite of an intimation being given to her, the petitioner failed to appear before the concerned officer for signing the salary certificates on time, and instead, raised frivolous representations and queries. She submits that it is for the above reason that there was a delay, not only in releasing the salary but also the retiral dues to the petitioner, for which the respondent cannot be faulted. She submits that the learned Tribunal, rightly rejecting the claim of interest of the petitioner towards salary dues, however, has wrongly burdened the respondent with the obligation to pay interest on the retiral dues.

10. We have considered the submissions made by the learned counsels for the parties.

11. From the Office Notings that have been placed on record by the respondent, it is apparent that, after remaining absent for a long period, on the petitioner rejoining the service, the file was immediately moved for taking a final decision on the treatment to be accorded to the period of leave of the petitioner. The decision could not be taken for want of the Last Pay Certificate that was to be given by the Karol Bagh Zone to the Headquarters and thereafter to the Civil



Line Zone and then to the Sadar Paharganj Zone on the movement of the petitioner from one circle to the other. The biometric attendance record was also to be given by the Karol Bagh Zone to the other zonal offices. It has not been brought to our notice how the petitioner would be responsible for the Karol Bagh Zone not forwarding these to the concerned Zones/Departments where the petitioner was later transferred/posted.

12. The non-availability of the above caused a delay in release of the salary due to the petitioner for the period of her absence from the duty, though her leave had been regularised by the respondent itself.

13. The learned counsel for the petitioner has also pointed out that the learned Tribunal has erred in its Impugned Order in observing that the petitioner, being the Bill Drawing Officer, the delay in payment of the salary was attributable to her itself. He submits that the delay had occurred for the above reasons, and in any case, the petitioner was not in the Karol Bagh Zone at the relevant time but had been posted at Sadar Paharganj Zone, where also she was not the bill disbursing authority. He submits that this vital fact has been missed by the learned Tribunal in its Impugned Order. The learned counsel for the respondent did not dispute the above position.

14. The learned Tribunal has further noted that the petitioner had submitted her leave application only in July 2014. This is also an error apparent on the face of the record, inasmuch as the Office Note dated 15.07.2014 prepared by the UDC (Administration) seeking approval of the treatment to be accorded to the period of leave of the petitioner, itself states that there were as many as 16 applications made by the



petitioner for different period of her leave. Some of these applications were also accompanied with the medical certificates, reference to which has been given in the Office Note.

15. From the above, it would be apparent that the delay in release of the salary to the petitioner was on account of administrative delays of the respondent, for which the petitioner could not be blamed. The petitioner was, therefore, entitled to payment of interest for the delay period.

16. As far as the delay in payment of the retiral dues are concerned, again the same are attributable only to the respondent. It was not the obligation of the petitioner to generate her Last Pay Certificate, having been shifted out from the Karol Bagh Zone, to be finally placed at Sadar Paharganj Zone on 11.07.2013. The biometric attendance sheet is also not the obligation of the petitioner but of the Department. Requisition of the same was also first made to the concerned Department, and it is only when the Department expressed its helplessness in giving the same, that the burden was wrongly put on the petitioner to provide the same. We fail to understand how the petitioner could have provided the same, having been transferred from the Karol Bagh Zone and having superannuated from services, and even otherwise. Therefore, in our view, the learned Tribunal has rightly burdened the respondent for payment of interest on the delay caused in release of the retiral benefits to the petitioner.

17. In view of the above, while we dismiss the W.P.(C) 4671/2019 as being without any merit, we allow W.P.(C) 7077/2019 filed by the petitioner, with a direction to the respondent to pay interest at the GPF



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rate for the delay in release of the monthly salary to the petitioner between the period 01.05.2013 to 14.03.2014 from the date that the salary became due and payable each month till the same was actually paid to the petitioner. Such payment be released by the respondent to the petitioner within a period of ten weeks from today.

18. There shall be no orders as to costs.

NAVIN CHAWLA, J

MADHU JAIN, J

AUGUST 12, 2025/bs/P/VS