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

\+ W.P.(C) 7093/2021

PRADIP SAHA .....Petitioner

Through: Mr. Sanjoy Kr Ghosh, Ms. Rupali S Ghosh and Ms. Richa Vishwakarma, Advocates.

versus

DIRECTORATE OF EDUCATION & ORS. .....Respondents

Through: Mr. Naushad Ahmed Khan, Advocate for R-1.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

O R D E R
15.10.2025

1. The petitioner served as a Post-Graduate Teacher (Bengali) in respondent No. 3 – Vinay Nagar Bengali Senior Secondary School ["the School"] from 01.11.1988 until his superannuation on 30.09.2019. He has filed this writ petition seeking payment of interest on the delayed release/payment of pension, gratuity, leave encashment, and other retiral benefits, as well as grant of second and third Modified Assured Career Progression ["MACP"] benefits, alongwith interest thereon.

2. I have heard Mr. Sanjoy Kr. Ghosh, learned counsel for the petitioner, and Mr. Naushad Ahmed Khan, learned counsel for respondent No. 1 – Directorate of Education ["DoE"]. Although the School is not represented, it was served with the writ petition and has also filed a reply. As the School is an aided institution, Mr. Khan states that the DoE will

have to bear 95% of the outlay in respect of any monetary benefits granted to the petitioner.

3. The counter affidavit filed by the DoE reveals that the petitioner's terminal benefits were paid under the following payment orders:

> *"4. That at the very outset, it is submitted that the following payments have been released to the Petitioner as per the following dates:*
> *(i) GPF Paid vide Order No. DDE-54/SW-A/Acct Br./2019-20/233 dated 13-08-2019.*
> *(ii) Authority for Gratuity Paid vide File No. 5624 dated 21-08-2020.*
> *(ii) Leave Encashment Paid vide Sanction order No.2021084154 dated 03-08-2021.*
> *(iv) Commutation of pension: Paid vide File No. 5624 dated 21-08-2020*
> *(v)Start of payment of regular pension: On 13.11.2020 on which date the pension was remitted from the date of superannuation i.e. from October, 2019. (Already admitted in the Writ petition)*
> *(vi) Grant of IInd MACP: Granted vide order no. F.DE.54/DDE/SW-A/Admn./MACP/2021/1542 dated 16.12.2021 w.e.f. 01.11.2014*
> *(vii) PPO order dated 03-09-2020.*
> *The copy of the above stated documents is annexed as Annexure-**R-1 (Colly)**."*

4. Although the payments were directed to be released under the aforesaid orders, it is the admitted position that gratuity was actually released on 02.09.2020, leave encashment dues on 03.08.2021, commuted pension on 21.08.2020, and regular pension commenced only on 13.11.2020. The explanation for delay, as set out in the counter affidavit, is as follows:

> *"10. That with regard to the delay in payment of the retirement dues, it denied that there has been any deliberate or intentional delay on the part of the Answering Respondent. It is submitted that before releasing retirement dues, a proper scrutiny of documents of entire service record is to be carried out by the Answering Respondent wherein the entire service records of an employee are properly checked and verified, before releasing the payment. Due to outbreak of COVID-19 pandemic, the Government Offices including that of the Answering*

Respondent were closed for a considerable time from March 2020, due to imposition of lockdown. Thereafter, the offices opened with restricted number of employees and the working of the Department was on a very limited basis. A considerable number of employees working in the offices of Directorate of Education got infected with Corona Virus, thus hampering further the functioning of offices. A number of employees were diverted to other assignments during the COVID-19 pandemic, related to vaccination centers, hunger relief centers, isolation centers, dry ration centers, duty at airport, duty at DM Office etc., on the direction of DDMA, resulting in a very thin presence of employees in the office of Directorate of Education to do routine work. This resulted in some delay in release of payments of the Petitioner. However, the said delay was neither intentional nor deliberate but, in the facts, as stated herein above.

11. Further, it is submitted that there was also some delay on the part of the Respondent School in submission of requisite documents with respect to the Petitioner. The following chronology of events with respect to movement of Petitioner's file is as under which will demonstrate that there has been no deliberate delay in processing the retiral benefit claim of petitioner on part of the Answering respondent:

17/07/2019-Respondent School to Accounts Officer (SW-A).

30/07/2019-Accounts Officer to DDE (Zone-19) for counter signature.

03/08/2019- DDE(Zone-19) to Accounts Branch.

18/08/2019- Accounts Office to DDE (SW-A) for counter Signature.

19/08/2019- DDE (SW-A) to Accounts Branch.

17/09/2019- Accounts Officer to DDE (SW-A).

19/09/2019-DDE (SW-A) to Accounts Branch.

29/11/2019-Accounts Branch to Respondent School.

06/12/2019-Respondent School to Accounts Branch.

26/12/2019-Accounts Branch to Respondent School.

30/12/2019-Respondent School to Accounts Branch.

19/03/2020-Accounts Branch to Respondent School (Dealing assistant was on diverted capacity to Election office in the month of January 2020& February 2020).

19/03/2020- Marked to Respondent School but not received by Respondent School to complete lockdown due to COVID-19.

05/06/2020-Accounts Branch to Respondent School.

15/06/2020- Respondent School to Accounts Branch

01/07/2020- Accounts Branch to DCA (Deputy Controller of Accounts)

10/07/2020-DCA to Accounts Branch

27/07/2020- Accounts Branch to PAO - I1 (Pay & Accounts Officer)

21/08/2020- PAO to Accounts Branch with authority to pay the retired dues

03/09/2020- PPO (Pension Payment Order) is issued by the P.A.O-II.

It is pertinent to mention that after issuing the PPO(Pension Payment

Order),it is the responsibility of Central Pension Accounting Office(Ministry of Finance, Govt of India) to start disbursing the pension."

5. Mr. Khan submits that this explanation shows that the DoE was not negligent in processing the petitioner's case, and no liability towards interest ought to be imposed upon it.

6. I am unable to uphold this contention. The COVID-19 pandemic, referred to in paragraph 10 of the counter affidavit, commenced only in March 2020, i.e. six months after the petitioner's retirement. In matters concerning the payment of pension and retiral dues, timely action is of importance. An employee who has served for a considerable period of time, requires the payment of retiral dues and pension for sustenance. Reliance upon the COVID-19 outbreak, which commenced only six months after the petitioner's retirement, does not appear, in this context, to be reasonable or relevant. Paragraph 11 of the counter affidavit also shows that there was only an exchange of correspondence between the School and the DoE. Here also, the only explanation offered for the delaybetween 30.12.2019 and 19.03.2020 is that the dealing assistant was diverted to election duties in January and February 2020. The petitioner cannot be left entirely uncompensated for such delay in release of pension and retiral dues.

7. As far as the quantum of interest is concerned, Mr. Ghosh has drawn my attention to a Division Bench judgment of this Court in *Municipal Corporation of Delhi v. Bijender Singh* [W.P.(C) 7668/2024, decided on 06.11.2024],which upheld a decision of the Central Administrative Tribunal granting 12% interest on delayed payment of

retiral dues. The contention that the Municipal Corporation of Delhi, who was the employer in that case, could not release the dues on time due to financial difficulties was rejected.

8. In the present case, I am of the view that grant of interest at the rate of 8% per annum on delayed release of retiral dues, including gratuity, leave encashment, and pension payments, would subserve the interest of justice. The respondents are directed to compute the dues in accordance with these directions and to make payment thereof within a period of eight weeks from today.

9. This leaves the question of second and third MACP benefits. As far as the second MACP is concerned, the petitioner was granted the benefit with effect from 01.11.2014, by an Office Order dated 16.12.2021, passed during the pendency of the writ petition. The order records that the petitioner completed twenty years of service on 31.10.2008,but the second MACP benefits were deferred by six years due to his Annual Confidential Reports ["ACR"]. In the rejoinder filed by the petitioner, he has raised various contentions against the adverse ACRs, and stated that he has filed appeals against the same under Rule 112 of the Delhi Education Rules, 1973. Mr. Ghosh submits that the outcome of those appeals have not been intimated to the petitioner. Mr. Khan has no instructions with regard to the pendency of the said appeals.

10. The respondents are directed to consider the petitioner's appeals, copies whereof have been annexed to the rejoinder affidavit as Annexure H and Annexure I, and dispose of the same within a period of six weeks from today. In the event the appeals succeed, and the petitioner is found entitled to MACP benefits from an earlier date than that mentioned in the

order dated 16.12.2021, consequential benefits be released to him within a period of eight weeks thereafter.

11. As far as third MACP is concerned, the counter affidavit of the respondent records as follows:

> *"In so far as grant of III MACP is concerned, it is most humbly submitted that the cases of financial up gradation of employees under MACP are considered & recommended by Departmental Screening Committee (DPC) in its meeting held generally twice in a year. The benefits of 3rd MACP w.e.f. 01.11.2018 as claimed by the Petitioner shall be considered to be granted on recommendation of Departmental Screening Committee in the upcoming meeting of the DPC, subject to fulfillment of conditions, to be held tentatively in third week of April., 2022"*

12. Mr. Ghosh states that the benefits of third MACP have not yet been received by the petitioner. Mr. Khan submits that he has no instructions as to whether a decision was taken by the respondents, as stated in the counter affidavit. The respondents are directed to communicate the decision, if already taken, to the petitioner, within four weeks. If not, they may take a decision and communicate the same to the petitioner within a period of six weeks. Consequential benefits, if any, be released to the petitioner within a period of eight weeks thereafter.

13. The writ petition is disposed of with the aforesaid directions.

PRATEEK JALAN, J

OCTOBER 15, 2025
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