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

Date of decision: <u>19.05.2025</u>

\+ W.P.(C) 6674/2025

UNION OF INDIA & ANR. .....Petitioners

Through: Ms. Saumya Tondon, Adv.

versus

REETA THAKUR .....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE RENU BHATNAGAR

<u>NAVIN CHAWLA, J. (Oral)</u>

<u>CM APPL. 30234/2025 (Exemption)</u>

1. Allowed, subject to all just exceptions.

<u>W.P.(C) 6674/2025 & CM APPL. 30233/2025</u>

2. This petition has been filed by the petitioner, challenging the Order dated 12.09.2024 passed by the learned Central Administrative Tribunal Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No. 109 of 2021, titled ***Reeta Thakur v. Union of India & Anr.,*** whereby the learned Tribunal allowed the said O.A. filed by the respondent herein, with the following directions:-

> *" 7. Accordingly, the respondents are directed to consider payment of interest on Gratuity and other retirement benefits that were disbursed on 24.05.2022 but were made applicable from 25.11.2019 when the disciplinary proceedings was closed against*

> *the applicant. Since Para 68(2) of Central Civil Service (CCS) Pension Rules, 1972 allows a delay of maximum three months, the interest shall be calculated after three months when the disciplinary proceedings were closed- i.e., three months from 25.11.2019 - 25.02.2020 till 24.05.2022 when gratuity and other retirement benefits were disbursed to the applicant. The interest to be paid would be calculated as per the GPF rates as mentioned in para 68(2) of the CCS (Pension) Rules, 1972. This amount would be disbursed after 'due diligence' by the respondents within a period of two months from the date of receipt of a certified copy of this order. The OA is therefore, allowed with directions as above. However, there shall be no order as to costs."*

3. Admittedly, the respondent was prematurely retired from service on 06.01.2017 under Fundamental Rule 56 (j) of the CCS (Pension) Rules, due to multiple pending Disciplinary Proceedings relating to financial misconduct and habitual indebtedness.

4. The Disciplinary Enquiry proceedings were concluded on 25.11.2019, however, the respondent has still not released the pension and gratuity amount. These were finally disbursed to the respondent only on 24.05.2022.

5. The learned Tribunal, therefore, passed the Impugned direction, directing the petitioners to consider the payment of interest on the gratuity and other retirement benefits for the period from 25.02.2020 to 24.05.2022.

6. The learned counsel for the petitioners submits that there were various other judicial proceedings that were pending against the

respondent, and on which the competent Courts had passed orders of attachment that were duly communicated to the petitioners. She further submits that, in light of these facts, the Department of Pension and Pensioners' Welfare, *vide* note dated 31.07.2020, had also advised the petitioner that where any criminal or judicial proceedings are pending before a Court concerning any act of the Govt. servant for which action under the rules can be taken, the pension and the gratuity may be withheld.

7. We, however, find from the impugned order itself, and which has not been disputed by the petitioners in the present petition, that the orders passed in these judicial proceedings, when communicated to the petitioners, were not complied with by the petitioners stating that the respondent had already been retired from service. These other judicial proceedings have not been initiated by the petitioners, but by private individuals, and despite the orders passed therein, the petitioners eventually released the retiral benefits to the respondents. The petitioners therefore, cannot take shelter being these proceedings.

8. The learned counsel for the petitioner submits that the respondent, *vide* communication dated 26.10.2020, was informed that she needed to obtain No Objection Certificates from the parties involved in the various judicial proceedings or furnish appropriate Court orders before the release of her pension and gratuity could be effected. However, again, it is not the case of the petitioners that the amounts were eventually released to the respondent on her furnishing such no objection certificate or orders from Courts allowing the

release of the retiral benefits to the respondent. The same, therefore, does not come to the aid of the petitioners. We note that pension cannot be attached by any Court in view of Section 60(1)(g) of the Code of Civil Procedure, 1908 as well as Section 11 of the Pension Act, 1871. In ***Radhey Shyam Gupta Vs. Punjab National Bank***, (2009) 1 SCC 376, it has held that the pension and gratuity of the petitioner cannot be attached and cannot be withheld for the appropriation of a decree of any Civil Court.

9. In any case, the direction of the learned Tribunal is only for the petitioners to consider the payment of interest, and that too after exercising 'due diligence'.

10. We, therefore, in the exercise of our extraordinary jurisdiction, do not deem it fit to interfere with the direction passed by the learned Tribunal in its impugned order.

11. The petition along with pending application, accordingly, stands dismissed.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

MAY 19, 2025/pr/sm/dg

Click here to check corrigendum, if any