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

+ W.P.(C) 14406/2024 & CM APPL. 60397/2024

ISHWAR SINGHPetitioner

Through: Mr. J.S. Mann, Mr. Mayank
Kumar and Mr. Sourav Siddhartha, Advs.

versus

MUNICIPAL CORPORATION OF DELHI AND ANR

.....Respondents

Through:

+ W.P.(C) 14500/2024 & CM APPL. 60762/2024

JAI BHAGWANPetitioner

Through: Mr. J.S. Mann, Mr. Mayank
Kumar and Mr. Sourav Siddhartha, Advs.

versus

THE COMMISSIONER MCD AND ANRRespondents

Through: Ms. Manisha Tyagi, Standing
Counsel for MCD

+ W.P.(C) 14647/2024 & CM APPL. 61482/2024

PAWAN KUMAR SHARMAPetitioner

Through: Mr. J.S. Mann, Mr. Mayank
Kumar and Mr. Sourav Siddhartha, Advs.

versus

MUNICIPAL CORPORATION OF DELHI AND ANR

.....Respondents

Through: Ms. Shivangi Kumar and Mr.
Gaurav Kumar Arya, Advs.

+ W.P.(C) 14677/2024 & CM APPL. 61637/2024

RAGHUBIRPetitioner

Through: Mr. J.S. Mann, Mr. Mayank

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KUMAR
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Kumar and Mr. Sourav Siddhartha, Advs.

versus

MUNICIPAL CORPORATION OF DELHI AND ANR

.....Respondents

Through: Ms. Shivangi Kumar and Mr.
Gaurav Kumar Arya, Advs.

+ W.P.(C) 15149/2024 & CM APPL. 63550/2024

DARSHAN LAL

.....Petitioner

Through: Mr. J.S. Mann, Mr. Mayank
Kumar and Mr. Sourav Siddhartha, Advs.

versus

MUNICIPAL CORPORATION OF DELHI AND ANR

.....Respondents

Through: Ms. Shivangi Kumar and Mr.
Gaurav Kumar Arya, Advs.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)

%

06.02.2025

C. HARI SHANKAR, J.

1. In all these cases, the petitioners had approached the Central Administrative Tribunal¹ against the failure, on the part of the MCD, to disburse retiral benefit to him. The Tribunal, in all the cases, directed disbursal of retiral benefits with interest.

2. Against the orders passed by the Tribunal, the MCD has not



approached this Court. The applicants before the Tribunal have approached this Court in each case aggrieved by the rate of interest awarded by the Tribunal.

3. We may note that, in WP(C) 14406/2024, WP(C) 14500/2024, WP(C)14647/2024 and WP(C) 15149/2024, the Tribunal directed that, failure to pay retiral dues within three months of the date of the order of the Tribunal would entitle the petitioners to interest @ 7.5% from the expiry of three months till the expiry of six months and @ 12% thereafter till the date of actual payment.

4. In WP(C) 14677/2024, the only difference is that the rate of interest for the delay between three months from the date of passing of the judgment of the Tribunal and six months was the GPF rate instead of 7.5%.

5. Mr. Maan, learned Counsel for the petitioners, points out that, in another OA before the same Bench of the Tribunal, interest has been granted by the Tribunal from the date of retirement till the date of actual payment with further interest @ 12% from the expiry of 2 months from the date of order of Tribunal.

6. We are not concerned with the correctness of that order, as it is not in challenge. However, it is clear that the Tribunal has, in several cases, granted interest on the delayed payment of retiral benefits from the date when the benefits were due.



7. We do not see why a retiree, who has been deprived of his retiral benefits, should not be granted interest from the date when the benefits were due.

8. We, therefore, clearly hold that in such cases, interest would run from the date when the retiral benefits were due to retiree and not after the judgment of the Tribunal or after two months or three months from the rendition of the judgment.

9. Even so, there appears to be some cleavage of opinion with respect to the rate of interest to which such persons would be entitled. In some cases, the Tribunal awards 7.5%, in others 12% and in others at GPF rate.

10. Keeping in mind this difference of view, we have, on 4 February 2025, remanded a matter *Rajbir Singh v Commissioner of MCD and Anr*² before the Hon'ble Chairman of the Tribunal, who would constitute an appropriate bench to ensure that there is a uniformity of approach in the matter of rate of interest to be awarded to such pensioners.

11. We, therefore, remand these matters also to the Tribunal to be placed before the Hon'ble Chairman along with WP(C) 401/2025 on 19 February 2025.

12. We, however, direct that, in the meanwhile, the respondents



would comply with the impugned judgment of the Tribunal, as the respondents have not challenge it. In other words, the petitioners would be entitled to the financial benefits following the impugned judgment of the Tribunal from the date of receipt of a certified copy of the order.

13. In the event that the *de novo* proceedings culminate in any additional entitlement to interest, the petitioners would also be entitled to such additional interest.

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

15. The writ petitions stand disposed of in the aforesaid terms.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

FEBRUARY 6, 2025

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Click here to check corrigendum, if any