



2025:DHC:11710-DB



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

Date of decision: 18.12.2025

+ W.P.(C) 16179/2024
MUKESH KUMAR

.....Petitioner

Through: In Person.

versus

THE COMMISSIONER & ORS.

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA

NAVIN CHAWLA, J. (ORAL)

1. The present writ petition has been filed by the petitioner, challenging the order dated 20.09.2022, passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal'), in O.A. No. 839/2022, titled ***Mukesh Kumar V. The Commissioner, MCD, And Ors.***, whereby the learned Tribunal allowed the O.A. filed by the petitioner herein, with the directions mentioned therein.

2. Despite service of notice, none has appeared on behalf of the respondents, and even the counter affidavit has not been filed, though an opportunity for the same was granted.

3. The limited issue that arises in the present petition is that the learned Tribunal, by its Impugned Order, has granted interest in favour of the petitioner only on the remaining amount of retiral benefits payable



by the respondents and not for the entire period of delay and for the amount that had been paid in tranches.

4. The grievance of the petitioner is that since the payment of retiral benefits was delayed by the respondents, interest for the entire period of delay ought to have been granted.

5. The petitioner had filed the above O.A. praying for the following reliefs:

“a) To direct the respondents to release amount of retirement benefits etc. as per details furnished in ANNEXURE -A-1 and monthly pension.

b) To direct the respondents to grant interest @ 12% or as deemed fit in respect of all delayed payments of retirement benefits including pension as per details furnished in ANNEXURE-A-1.

c) Any other relief or direction which this Hon'ble Tribunal deems fit and proper in view of the facts and circumstances of the case may be granted/passed in favor of the applicant and against the respondents.”

6. In Annexure A-1 annexed to the O.A., the petitioner had specifically detailed the following periods of delay in the release of his retiral benefits:

“ ANNEXURE –A-1

<i>Description of retirement benefits</i>	<i>Amount/date due (in Rs)</i>	<i>Amount/Date received (in Rs.)</i>	<i>Period of delay</i>	<i>Remarks.</i>
<i>Retirement Gratuity</i>	<i>Rs.7,58,599/-</i>	<i>Received Nil</i>	<i>17 months Delay so far</i>	
<i>CVP</i>	<i>RS. 7,84,658/-</i>	<i>Received Nil</i>	<i>-do-</i>	
<i>Leave Encashment</i>	<i>Rs. 4,66,830/-</i>	<i>Received On 02-06-21</i>		
<i>GIS</i>	<i>Rs. 11,218/-</i>	<i>received On 11-08-21</i>		



2025:DHC:11710-DB



<i>GPF</i>	<i>AMOUNT NOT KNOWN</i>	<i>Received NIL</i>		
<i>MONTHLY PENSION</i>	<i>PENDING SINCE RETIREMENT 01-11-21</i>			

NOTE:- Retired on 21.10.2020
TOTAL RETIREMENT BENEFIT : Rs. 20,21,305/- +
GPF amount not known
Received :Rs.4,78,048/- approx
Due Amount: Rs. 15, 43,527/- + GPF amount not known"

7. The learned Tribunal, however, *vide* its Impugned Order, without assigning any reasons, has confined the relief of payment of interest only to the amount remaining unpaid out of the petitioner's retiral benefits. We quote the final direction of the learned Tribunal as under:

"Accordingly, the OA is allowed. Respondents are directed to release only the remaining amount of retirement benefits and pay the same to the applicant alongwith 12% per annum rate of interest till the date of payment within a period of three months from the date of receipt of a certified copy of this order."

8. We are unable to sustain the said direction. Once there is a delay in the payment of retiral benefits, the respondents ought to have been burdened with the liability to pay interest for the period of delay, especially keeping in view the fact that retiral benefits are not a bounty to an employee but a vested right.

9. The Supreme Court, in ***Uma Agrawal (Dr) v. State of U.P.***, (1999) 3 SCC 438, held as under:

" 5. We have referred in sufficient detail to the Rules and instructions which prescribe the time-schedule for the various steps to be taken in regard to the payment of pension and other retiral benefits. This we have done to remind the various governmental departments of their



duties in initiating various steps at least two years in advance of the date of retirement. If the Rules/instructions are followed strictly, much of the litigation can be avoided and retired government servants will not feel harassed because after all, grant of pension is not a bounty but a right of the government servant. The Government is obliged to follow the Rules mentioned in the earlier part of this order in letter and in spirit. Delay in settlement of retiral benefits is frustrating and must be avoided at all costs. Such delays are occurring even in regard to family pensions for which too there is a prescribed procedure. This is indeed unfortunate. In cases where a retired government servant claims interest for delayed payment, the court can certainly keep in mind the time-schedule prescribed in the Rules/instructions apart from other relevant factors applicable to each case.”

(Emphasis Supplied)

10. Accordingly, we modify the Impugned Order passed by the learned Tribunal, only to a limited extent, holding that the petitioner shall be entitled to interest from the date on which his retiral benefits became due and payable until the date on which they were eventually paid or partly-paid by the respondents, at the rate as granted by the learned Tribunal.

11. The balance payment, if any, shall be paid by the respondents to the petitioner within a period of four weeks from today.

12. The petition is allowed in the above terms.

NAVIN CHAWLA, J

RAJNEESH KUMAR GUPTA, J

DECEMBER 18, 2025/ys/P/DG