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

\+ W.P.(C) 643/2025, CM APPLs. 3076/2025, 3077/2025 & 3078/2025

DR. SUMAN BALA .....Petitioner

Through: Mr. Ankit Bhadoria and Ms. Karishma and Mr. Umesh Singh, Advs.

versus

MUNICIPAL CORPORATION OF DELHI .....Respondent

Through: Mr. Akhil Mittal, Standing Counsel.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)

% **13.02.2025**

C. HARI SHANKAR, J.

1. The petitioner moved the Central Administrative Tribunal[1] by way of OA 2218/2023, seeking a direction to the respondent to pay, to the petitioner, arrears of gratuity, commutation of pension and pay of arrears, with which the petitioner alleged, had not been paid to her despite further representation.

2. By judgment dated 17 May 2024, the Tribunal held the petitioner to be entitled to be paid the said arrears along with interest. The penultimate paragraph 6 of the judgment of the Tribunal reads as

[1] "the Tribunal" hereinafter

under:

> "6. In the light of the above facts and circumstances of the case, it is an undisputed fact that there has been delay in releasing the retiral dues to the applicant. Therefore, on the basis of well settled law, as enumerated herein above, all the OAs are disposed with a direction to the respondents to release all remaining retiral benefits due to the applicants from the date of their retirement. While doing so, the respondents shall provide to the applicants due and drawn statement. Interest for delayed payment, at this state, cannot be acceded to as we are informed that the MCD is facing acute financial crises. This exercise shall be done within a period of three months from the date of receipt of a certified copy of this order, failing which all the applicants shall be entitled to interest @ 12% from the date of expiry of period of three months as stated herein above. If there is any further delay beyond the period of six months, then the applicants shall be entitled for interest at the rate of 12% instead of at the rate of 7.5%."

3. The petitioner has approached this Court, aggrieved by two aspects of the final judgment of the Tribunal.

4. Apropos the interest awarded to the petitioner on her retiral benefits, the petitioner contends that the interest ought to have been awarded from the date of retirement of the petitioner and not commencing from the expiry of three months from the date of the judgment of the Tribunal. The second objection of the petitioner is with respect to the rate of interest. The petitioner seeks interest at the rate of 12.5 % p.a. throughout.

5. Apropos the first aspect, we are in agreement with the petitioner that the petitioner would be entitled to interest from the date of her retirement.

6. We, therefore, direct the respondent to the extent of grant of interest to the petitioner, therefore, the impugned judgment would stand modified by holding the petitioner to be entitled to interest from the date of her retirement and not from the date of expiry of three months from the date of the judgment of the Tribunal.

7. However, insofar as the rate of interest is concerned, we have noticed in our recent decision in ***MCD v Bijender Singh***[2] that the Tribunal is, in different orders, awarding interest on different rates. We, therefore, have remanded similar matters to the Hon'ble Chairman of the Tribunal to constitute a Bench to attempt to arrive at a uniform rate of interest on retiral benefits.

8. We are told that the said matters are listed before the Tribunal on 19 February 2025.

9. In that view of the matter, this petition is disposed of in the following terms:

(i) The petitioner is held entitled to interest on her retiral benefits from the date of her superannuation.

(ii) Insofar as the rate of interest to which the petitioner would be entitled, the OA is remanded to the Tribunal to be heard on 19 February 2025 along with other matters involving similar issues.

(iii) Till then, however, respondents are directed to comply

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[2] **2024 SCC OnLine Del 7716**

with the impugned judgment passed by the Tribunal within a period of two weeks from today.

(iv) If, consequent to the remand proceedings before the Tribunal, the petitioner is entitled to any further interest, the interest would be paid by the respondent to the petitioner, on the basis of the time granted by the Tribunal for the said period.

10. This writ petition is disposed of in the aforesaid terms.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

FEBRUARY 13, 2025
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Click here to check corrigendum, if any