

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA NO.2924/2014

Order reserved on 01.08.2016
Order pronounced on 08.08.2016

HON'BLE DR BRAHM AVTAR AGRAWAL, MEMBER (J)

Ex-SI Har Saroop,
Aged about 75 years,
S/o Late Sh. Chander Bhan Sharma,
R/o H.No.1/2866, Ram Nagar,
Lodhi Road, Shadra,
Delhi-110032.

...Applicant

(By Advocate: Shri Joginder Sukhija)

VERSUS

1. Union of India/LT. Governor of NCT of Delhi
Through the Commissioner of Police,
Delhi Police, Police Headquarters,
MSO Building, IP Estate,
New Delhi-110002.

2. The Additional Commissioner of Police
(Security & Training), Delhi Police,
Police Headquarters, MSO Building,
I.P. Estate, New Delhi-11002.

...Respondents

(By Advocate: Ms. Sangeeta Rai with Sh. Pradeep Kumar
Tomar)

:ORDER:

The applicant, who superannuated as a Sub-Inspector in Delhi Police on 01.02.1997, seeks, through the instant OA, interest for the period of delay in payment of his retiral dues to which he became entitled to by virtue of the Hon'ble Delhi Court's judgment dated 21.08.2007 in the WP(C) NO. 7579/2000 (Annexure P-6). The applicant faced departmental proceedings under the Delhi Police (Punishment and Appeal) Rules 1980 for allegedly accepting bribe of Rs. 100/- and was on 25.06.1994 visited with the penalty of forfeiture of three years' approved service entailing reduction in his pay by three stages (vide Annexure P-3). His appeal was rejected (vide Annexure P-2). The revisional authority on 29.12.1995 enhanced the said penalty to penalty of dismissal from service (vide Annexure P-1). The OA No. 235/1996 filed by the applicant was dismissed by this Tribunal on 22.11.1999 (vide Annexure P-4). In the writ petition filed by the applicant, the High Court set aside the punishment of dismissal from service but the punishment of forfeiture of three years' approved service was maintained. The respondents' SLP was dismissed by the Hon'ble Supreme Court on 12.08.2013 (vide Annexure P-7). The High Court held as under:-

"9. ... It is clear that Rule 25-A of the Rules is also ultra vires. We, therefore, declare Rule 25-A of the rules also as ultra vires. Consequently, the impugned decision dated 29.12.1995 of the Revisionary/Reviewing Authority enhancing the punishment of the petitioner to dismissal from service as well as judgment dated 22.11.1999 of the Tribunal is set aside. The effect of this would be that the punishment imposed initially vide order dated 25.06.1994 i.e. forfeiture of three years approved service would be maintained.

10. Since the petitioner has already retired from service, what flows from the aforesaid order is to treat the petitioner in continuous serviced till the date of his retirement and give him the consequential benefits of pay and allowance and also fix his pension accordingly. The arrears on this account shall be paid to the petitioner within four months from today.

11. With these directions, this writ petition is disposed of."

[*Rule 25-A of the aforesaid Rules provided for revision*]

2. I have heard the learned counsel for the parties, perused the pleadings as well as the rulings cited by the learned counsel for the applicant, and given my thoughtful consideration to the matter.

3. It is well-settled by a catena of judgments that a retired employee is entitled to payment of interest for the period of administrative delay in payment of his retiral dues. If there are statutory rules or administrative instructions occupying the field, benefit of interest can be claimed on that basis. In their

absence, interest can be claimed under Part III of the Constitution relying on its articles 14, 19 and 21 [vide **S. K. Dua vs. State of Haryana and Anr.**, (2008) 3 SCC 44]. Also see the Hon'ble Delhi High Court's judgment dated 04.09.2012 in the WP(C) No. 5505/2012 [**Govt. of NCT of Delhi vs. Nand Lal Singh**].

4. That the respondents decided to pursue the remedy of SLP before the Supreme Court would not enure to their benefit, in the absence of any order staying the operation of the afore-quoted directions of the High Court. See, in this connection, the Hon'ble Delhi High Court's judgment dated 03.02.2012 in the WP(C) No. 745/2011 [**V.K. Sareen vs. V.K. Sareen**].

5. In the light of the above, I am of the view that the OA deserves to succeed. The respondents are directed to calculate and pay to the applicant within four weeks from the date of receipt of a copy of this Order, interest at the prescribed rate on delayed payment of gratuity [vide rule 68, CCS (Pension) Rules 1972] and at the GPF rate

on other retiral dues for the period from 21.12.2007 to the date(s) of actual payment(s).

6. The OA is allowed accordingly. No order as to costs.

(DR BRAHM AVTAR AGRAWAL)
MEMBER (J)

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