

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A.NO.4191 OF 2012

New Delhi, this the 4th day of April, 2016

CORAM:

HON'BLE SHRI RAJ VIR SHARMA, JUDICIAL MEMBER

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Sh.Vir Singh,
S/o Sh.Kaley Ram,
R/o L-1/61-A, DDA Flats,
Kalkaji, New Delhi 110019 Applicant
(By Advocate: Shri Sanjay Sharawat)
Vs.

1. Government of NCT of Delhi,
Through Chief Secretary,
Naya Sachivalaya, I.P.Estate,
New Delhi 110002
2. Director of Education,
Directorate of Education,
Old Secretariat,
Delhi 110054
3. Government Boys Senior Secondary School,
Through its Principal,
DDA Flats, Phase II, Kalkaji,
New Delhi 110019 Respondents
(By Advocate: Sh. Vijay Pandita)

ORDER

The Tribunal had decided the O.A. in favour of the applicant, vide its order dated 4.8.2014, the operative part of which is reproduced below:

“12. Having decided Issue Nos. (1), (2) and (3) as above, I quash and set aside the impugned order/communication dated 05.11.2012 (Annexure A-1) and direct the Respondents to consider the entitlement of the applicant for pension and other retirement benefits for the services rendered by him from 30.10.1972 to 13.7.1992 by treating his case to have been covered under Rule 26(2) of the CCS Pension Rules. The Respondents shall take appropriate decision by passing a reasoned and speaking order in accordance with Rule 26(2) of the CCS Pension Rules and the decisions of the Government of India issued from time to time and communicate the same to the applicant within a period of three months from the date of receipt of copy of this order.

13. In the result, the Original Application is allowed to the extent indicated above. No order as to costs.”

2. In W.P. (C) No. 8324 of 2015 filed against the Tribunal's order, dated 4.8.2014, *ibid*, the applicant's grievance was that although a specific prayer for grant of interest was made by him in the O.A., the Tribunal did not consider the same.

3. The Hon'ble High Court of Delhi disposed of W.P. (C) No. 8324 of 2015, vide its judgment dated 9.10.2015, which is reproduced below:

“1. The short question which arises for consideration in this writ petition is the question relating to grant of interest with respect to pension and other retirement benefits granted to the petitioner by the Central Administrative Tribunal. Mr. Sharawat submits that although a specific prayer for grant of interest was made, but the question with regard to payment of interest has not been considered by the Tribunal. He further submits that the Tribunal has reached a conclusion that the petitioner is entitled to retirement benefits and there was no delay caused by the petitioner. Both the parties pray that the matter be remanded to the Tribunal to hear and re-consider the matter with regard to the prayer for payment of interest.

2. Accordingly, we remand the matter back to the Tribunal to render a decision whether the petitioner is entitled to payment of interest, if yes, for what period and at what rate. Parties to appear before the Tribunal on 28.10.2015.

3. The writ petition is disposed of in above terms.”

4. I have carefully perused the records of the O.A. and the order, dated 4.8.2014, *ibid*, and have heard Shri Sanjay Sherawat, the learned counsel appearing for the applicant, and Shri Vijay Pandita, the learned counsel appearing for the respondents.

5. In view of what has been discussed in the order, dated 4.8.2014, *ibid*, I do not find a case to have been made out by the applicant for grant of interest on the retirement dues payable to him by the respondents. It is pertinent to mention here that the Tribunal, in its order, dated 4.8.2014, *ibid*, had duly taken note of the applicant's prayer for grant of interest, and had allowed the O.A. only to the extent indicated in paragraph 12 of the said order, which has been reproduced above.

6. Accordingly, the applicant's prayer for grant of interest is disallowed. No costs.

**(RAJ VIR SHARMA)
JUDICIAL MEMBER**