

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

**C.P. No.775/2017
IN
T.A. No.16/2013**

Reserved On: 26.11.2018

Pronounced on: 03.12.2018

Hon'ble Mr. V. Ajay Kumar, Member (J)

Hon'ble Mr. A.K. Bishnoi, Member (A)

Shri Nand Kishore Bhatia
S/o Late Shri Ram Naryana Bhatia
House No.2, Chander Lok Enclave,
Pitam Pura,
Delhi-110034.

...Petitioner

(By Advocate: Shri Amit Bhatia)

Versus

1. Dr. Puneet Kumar Goel, IAS
Commissioner,
South Delhi Municipal Corporation,
4th Floor, Civic Centre,
Shyama Prasad Mukherjee Centre,
New Delhi.
2. G.S. Meena,
The Additional Commissioner,
West Zone,
South Delhi,
Municipal Corporation of Delhi,
Rajouri Garden,
New Delhi.
3. Z.A. Khan,
D.EM.S
Through its Director in Chief,
Ambedkar Stadium,
Delhi Gate,
Delhi.

4. Shri Neeraj Dabas
The Assistant Commissioner,
West Zone,
South Delhi,
Municipal Corporation of Delhi,
Vishal Enclave, Rajouri Garden,
New Delhi-110027. ...Respondents

(By Advocate: Shri R.K. Jain)

ORDER

By Mr. V. Ajay Kumar, Member (J)

T.A. No. 16/2013 filed by the applicant seeking a direction to release the accrued interest @ 12% per annum from the date of retirement from 31.03.2002 till the date of its actual payment, i.e., November, 2011 was allowed by this Tribunal on 02.02.2015 as under:-

“5. In the above facts and circumstances of the case, I allow this OA and direct the respondents to pay up-to-date interest to the applicant at the prevailing GPF rate to all the arrears including DCRG, leave encashment, gratuity etc. within the next two months. They shall also give a detailed statement of calculation of interest for the information of the applicant. Further, they shall file compliance affidavit in terms of the aforesaid directions before this Tribunal immediately thereafter.”

2. Alleging non-implementation of the aforesaid order, the petitioner filed the instant CP.
3. Heard Shri Amit Bhatia, the learned counsel for the petitioner and Shri R.K. Jain, the learned counsel for the respondents and perused the pleadings on record.

4. Shri R.K. Jain, the learned counsel appearing for the respondents, while drawing our attention to the counter filed by them, categorically submits that the respondents have fully complied with the orders of this Tribunal and they have paid the interest, as directed by this Tribunal, i.e., at the GPF rate of interest amounting to Rs.8,77,381/- on 02.06.2015 on the total amount of Rs.11,95,428/- for 110 months i.e., from the date of due till the date of actual payment and accordingly prays for dismissal of the CP.

5. On the other hand, Shri Amit Bhatia, the learned counsel for the petitioner submits that this Tribunal while allowing the TA, directed the respondents to pay up-to-date interest to the petitioner and hence the respondents are liable to pay the interest not only till the date of actual payment but they have to pay the interest till the date of judgment of this Tribunal.

6. It is not in dispute that the respondents have paid the interest, as directed by this Tribunal, from the due date to till the date of actual payment. Even para 1 of the order dated 02.02.2015 in TA No.16/2013 of this Tribunal clearly noted the prayer of the petitioner, i.e., to release the interest from 31.03.2002 till the date of actual payment only. Hence, the submission of the petitioner's counsel that though he prayed for payment of interest only till the date of actual payment of the retiral benefits to the petitioner, but

the Tribunal directed the respondents to pay up-to-date interest, i.e., till the date of judgment is unsustainable and unacceptable.

7. In the circumstances and in view of substantial compliance of the orders of this Tribunal, the CP is dismissed. Notices are discharged. No costs.

(A.K. BISHNOI)
MEMBER (A)

(V. AJAY KUMAR)
MEMBER (J)

RKS