

**Central Administrative Tribunal
Principal Bench**

OA No. 4305/2018

New Delhi this the 23rd day of October, 2019

Hon'ble Ms. Nita Chowdhury, Member (A)

Yogender Singh Sharma, Aged 61 years,
Designation: Malaria Inspector,
S/o Lakhi Ram Sharma, Group B
R/o H.No.14, Village Sanoth,
Delhi-110040

- Applicant

(By Advocate: Mr. CSS Pillai for Mr. JS Mann)

VERSUS

1. The Commissioner (North DMC)
Dr. Shyama Prasad Mukherjee,
Civic Centre, Jawahar Lal Nehru Marg,
New Delhi-110002
2. Deputy Chief Accountant (North DMC)
Civil Line Zone, 16 Rajpur Road, Delhi-54

- Respondents

(By Advocate: Mr. DS Mahendru)

ORDER (Oral)

The applicant has filed the present OA, seeking the following reliefs:-

- “a) To direct the respondents to release amount of retirement benefits etc. as per details furnished in Annexure A-1.
- 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 favour of the applicant and against the respondents.”

2. During the arguments, counsel for the respondents, in compliance with the previous order of this Tribunal dated 11.10.2019, has produced the details of all terminal benefits which have been given to the applicant and which reads as under:-

Name of payments	Amount	Payment sent by RTGS on dated
DCRG	12,01,200/-	Paid on 04.04.2019
Commutation	13,76,592/-	Paid on 04.04.2019
Leave Encashment	7,28,000/-	Paid on 27.07.2018
GPF	42,52,973/-	Paid by GPF section, bill passed on 24.07.2017 as per service book
GIS	18,191/-	Paid by GIS Section, bill passed on 21.07.2017 as per service book

3. Counsel for the applicant has not disputed the fact that the aforesaid terminal benefits have been given to the applicant, but only relief now sought by him in this OA is to issue direction to the respondents to grant interest on all the delayed payment of retiral benefits from the due dates.

4. Counsel for the respondents has fairly submitted that the delay in payments of retiral dues, including the commutation of pension to the applicant was neither intentional nor deliberate but due to financial crises being faced by North MCD.

5. After hearing both the counsel and perusing the pleadings on record, we notice that it is a fact that the MCD is facing

financial crisis, though they have released the retiral benefits of their employees, including the applicant herein on availability of funds and on the basis of the procedure/system adopted by them. We have also dealt with a similar situation in many cases, particularly in the case of **Brahampal Singh Dholyan vs. East Delhi Municipal Corporation** (OA No. 886/2018) in which the following observations were made on 08.07.2019:-

“4.However, as regards demand for payment of gratuity and computation of pension have also been sent to HQ vide demand No.281/11/16/01/2017, but the same shall not be paid on account of non-availability of funds from HQ. They have further submitted that the EDMC have made a procedure/system by which they are releasing the pensionary benefits to their employees and according to this procedure the employees who were retired till October, 2015 have only been paid DCRG & Commutation of pension. Hence, the remaining payment could not be released to the applicant due to paucity of funds.

5. The respondents have mainly contended that the respondent – EDMC does not have the financial resources to pay all dues of all employees at one time and in view of the paucity of funds in the respondent – organization, they are paying employees as and when they have funds. At present, only employees, who have retired till October, 2015 have been paid.”

6. Hence, in view of the precarious financial position of the Corporation, the claim of the applicant for interest on the delayed payment of retiral dues is not feasible at present. However, if in future the financial position of the NDMC also improves and they pay interest to any employee on delayed payments of retiral dues, then the same interest shall be given to the applicant of this OA also.

7. With the above directions, the OA stands disposed of. No order as to costs.

(Nita Chowdhury)
Member (A)

/lg/