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

+ W.P.(C)12054/2019

PARKASH CHANDRA

.....Petitioner

Through: Mr. Anuj Aggarwal, Mr. Sidharth Nair, Mr. Nikhil Pawar, Ms. Tanya Rose and Mr. Pradeep Kumar, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mrs. Avnish Ahlawat, Standing Counsel (GNCTD) with Mr. Nitesh Kumar Singh, Ms. Laavanya Kaushik, Ms. Aliza Alam and Mr. Mohnish Sehrawat, Advocates.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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12.07.2024

CM APPL. 2929/2021(for seeking extension of time in complying with the directions)

REVIEW PET. 19/2020

1. The present writ petition was filed by the respondent under Articles 226 and 227 of the Constitution of India seeking the following prayers :

“(i) Issue an appropriate writ, order or direction thereby setting aside the impugned Judgment/Order dated 26.08.2019, passed



by the Central Administrative Tribunal, Principal Bench, New Delhi, in O.A. No.2267/2019, whereby the claim of the petitioner for grant of interest on the delayed payments of arrears of salary was rejected with cost of Rs.10,000/-;

- (ii) *Issue an appropriate writ, order or direction thereby setting aside the Order dated 14.06.2019, issued by the Respondent No. 1, whereby the request for grant of interest on the arrears of pay paid belatedly to the applicant upon grant of pay scale of 8000-275-13500/-, promotion to Selection Grade, JAG-II and JAG-I retrospectively, was rejected;*
- (iii) *Issue an appropriate writ, order or direction thereby directing the Respondents to pay interest @ 12% per annum on the arrears of salary from the dates it fell due for each respective months:*
- (iv) *Issue an appropriate writ, order or direction thereby directing the Respondents to pay the cost of litigation, before the Central Administrative Tribunal as well as before this Hon'ble Court, to the petitioner;*
- (v) *Allow the present writ petition with cost in favour of the petitioner.*
- (vi) * * * * *

2. The writ petition was disposed-of by this court *vide* order dated 18.11.2019. By way of REVIEW PET. No. 19/2020, the petitioner has sought review of that order to the extent of the date from which interest should be payable by the respondent on the arrears of salary and increment that were granted to the petitioner

3. During the pendency of the review petition, by way of CM No.2929/2021, the respondents had sought extension of time to make payment to the petitioner towards compliance of order dated 18.11.2019. It appears however, that in the meantime, the respondents have already paid to the petitioner the amount of arrears due as per order dated 18.11.2019. As a



result, the present application has been rendered infructuous; and is disposed-of as such.

4. Insofar as the review petition is concerned, learned counsel appearing for the respondents submits, that the present review petition deserves to be dismissed since a criminal case was registered against the petitioner *vide* RC/FIR No.33A/1997/ACB/Delhi dated 06.04.1997; and even though the petitioner was acquitted in the matter, considering that the allegations against him were serious and he was facing a criminal trial, no ground is made-out to direct that interest be paid to him for the period during which he was an undertrial.

5. Relevantly, this fact has already been noted in para-4 of the order dated 18.11.2019.

6. It is not in dispute that the arrears of salary, which were paid to the petitioner, became payable after he was granted retrospective promotions and revision of pay scales by the Ministry of Home Affairs. In the opinion of this court therefore, the petitioner was entitled to receive arrears of salary *from the dates the salary of the petitioner was revised*, that is *w.e.f.* the dates he was granted the respective promotions.

7. Counsel for the petitioner submits, that that there is no basis to hold that the arrears of salary became payable to the petitioner only after the date of his acquittal *i.e.* 17.09.2015. It is submitted, that the arrears of salary became payable to the petitioner as and when he was granted retrospective promotions and his pay scale was revised retrospectively. Further, it is submitted, that although the arrears of salary became payable in the year 2016/2017/2018 *i.e.* when the promotions were granted to the petitioner but the said salary was due *w.e.f.* the date of his notional promotions. The



petitioner was therefore entitled to receive interest on the arrears of salary for the period from which arrears of salary became due to him.

8. This Court finds merit in the submission of learned counsel appearing for the review petitioner, namely that when the petitioner was acquitted, and on acquittal the respondents granted retrospective promotions to him; the arrears of salary became due and payable to him; and therefore there is no justifiable reason to not grant interest from the respective dates from which the petitioner was granted promotions and from which dates the increments became due.

9. Accordingly, the present review petition is allowed. The judgment dated 18.11.2019 is modified to the extent that the respondents shall, within four weeks, pay to the petitioner interest @ 8% from the *respective* dates with effect from which the petitioner was promoted and the increments became due, till the date of realization. It is made clear if any payment towards arrears of interest has already been made by respondents to the petitioner, the same shall be adjusted.

SURESH KUMAR KAIT, J

ANUP JAIRAM BHAMBHANI, J

JULY 12, 2024

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