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

% *Date of Decision: 31st January, 2023*

+ W.P.(C) 1177/2017 & C.M. APPL. 44557/2017

RAM SHANI Petitioner

Through: None.

versus

CENTRAL WAREHOUSING
CORPORATION, (CWC) Respondent
Through: Mr. K.K. Tyagi, Mr. Iftikhar
Ahmad and Ms. Garima Tyagi, Advocates.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

JUDGEMENT

JYOTI SINGH, J. (ORAL)

1. Present writ petition has been filed by the Petitioner seeking a direction to the Respondent to release the retirement and terminal benefits including ex-gratia payment from Benevolent Fund Trust, etc. along with interest @ 24% p.a.
2. Perusal of order dated 23.04.2019 shows that Petitioner had acknowledged the receipt of substantial retiral benefits and only an amount of Rs.3,00,000/- remained to be paid. Court had, therefore, directed the Respondent to file an affidavit in this respect.
3. Pursuant to the said order, an affidavit is stated to have been filed by the Respondent on 27.08.2019 *vide* Diary No. 870543/2019, however, the affidavit is not on record. Learned counsel for the Respondent has handed over a copy of the affidavit, wherein it is stated that Respondent has released all the retiral benefits to the Petitioner and a detailed breakup of the various dues paid to the Petitioner has been given in the affidavit in a tabular form. The details

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Signing Date: 03.02.2023 W.P.(C) 1177/2017
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as furnished in the affidavit are as follows:

Sr. No.	Particulars of Payment	Amount (in rupees)	Date of release
1.	CPF (employee and employer share)	29,72,718	16.11.2018
2.	Gratuity	10,00,000	27.09.2018
3.	TLB for 93 days HPL	97,004	05.04.2019
4.	Pension per month	1,514	

4. It is further stated in the affidavit that insofar as the ex-gratia payments from the Benevolent Fund Trust are concerned, Petitioner is not entitled to the same, as only the officials who retire on superannuation are entitled to this benefit. Since the Petitioner took voluntary retirement, it is stated that he is not entitled to the ex-gratia payment. It is further stated that the Regional Manager had been advised to release the payment on account of Cash Memento, which shall be released to the Petitioner immediately. Therefore, according to learned counsel for the Respondent, nothing is outstanding towards the Petitioner and the writ petition deserves to be disposed of.

5. Order-sheets indicate that there has been no appearance on behalf of the Petitioner on the last two dates of hearing and no response has been filed to the aforementioned affidavit in rebuttal.

6. From a reading of the affidavit, it is evident that the retiral benefits of the Petitioner including CPF, Gratuity, TLB have been released to the Petitioner and he is also being paid monthly pension at the rate of Rs.1514/-. As per the Rules governing the Benevolent Fund Trust, Petitioner is not entitled to ex-gratia payment on voluntary retirement and thus, the claim is misconceived. With respect to the Cash Memento, while it is stated in the affidavit that directions were issued for release of the amount, however, learned counsel for the

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Respondent does not have clear instructions as to whether the amount

has been released to the Petitioner. It is, therefore, directed that if the payment of Cash Memento has not been made, the amount due thereunder shall be released to the Petitioner within a period of three weeks from today.

7. Insofar as the interest component on the retirement/terminal benefits is concerned, it is an undisputed fact that the Petitioner took voluntary retirement in the year 2015 and the benefits, as aforementioned, have been released in the year 2018 and 2019 and therefore the Petitioner is entitled to payment of interest @ 6% p.a. on delayed payment of retiral/terminal benefits from the date the amounts became due till the actual payment. The interest component shall be calculated by the Respondent and the amounts shall be released within six weeks from today.

8. Writ petition is accordingly disposed of in the aforesaid terms along with pending application.

JYOTI SINGH, J

JANUARY 31, 2023/shivam/kks

प्रत्येक जनकी