



Present :- Hon'ble Justice Amrita Sinha

Gautam Biswas
Vs.
Union of India & Ors.

Judgment on :- 25.03.2026

1. Report by the respondent nos.2 to 4 and the exception thereto by the petitioner filed in Court today be kept with the records.
2. The petitioner was serving in the Airports Authority of India. He superannuated on December 31, 2021. His terminal dues were, however, released in 2024. The petitioner prays for interest on account of delayed payment of his terminal dues.
3. The respondents oppose the prayer of the petitioner. Reliance have been placed upon a report affirmed by the Deputy General Manager (HR) of the Netaji Subhas Chandra Bose International Airport wherein it has been mentioned that it is only after receiving the



vigilance clearance that the respondent authorities can disburse the retirement benefits of an employee. Since the petitioner was twice imposed with penalties, the competent authority made a detailed scrutiny taking into consideration the past record of the petitioner.

4. On January 1, 2024 the vigilance clearance was received and on January 12, 2024 the respondents released a sum of Rs.12,72,528/- and thereafter on February 2, 2024 a further amount of rupees twenty lakh in the bank account of the petitioner.
5. It has been mentioned that had there been an unblemished service record of the petitioner, the issue could have been different where, immediately upon petitioner's retirement, all his retirement benefits would have been disbursed.
6. The respondents pray for dismissal of the writ petition.
7. I have heard and considered the submissions made on behalf of both the parties and perused the materials on record.
8. It has been brought to the notice of the Court that the disciplinary proceeding which was initiated against the petitioner resulted in imposition of minor and major penalty in the year 2017. The petitioner retired in December 2021.
9. The reason for taking three long years for obtaining clearance certificate of a retired employee from the vigilance department has not been disclosed.
10. The date of superannuation of an employee gets fixed immediately on the day he joins service. There is hardly any uncertainty with the



same. The process to fill up and submit documents for obtaining retiral dues starts long prior to the pre-fixed date of superannuation. The same is only for the purpose of timely disbursal of terminal dues. The petitioner was no way responsible for the delay in obtaining the vigilance clearance certificate which is the obligation of the employer.

11. A retired employee ought not to suffer or move around from one department to the other for releasing his dues.
12. It is settled law that the terminal benefits of a superannuated employee are not bounty but is considered as valuable rights in the hands of the retired employee.
13. The authority was well aware that the petitioner would retire on December 31, 2021. The authority ought to have taken steps for obtaining the vigilance clearance prior to the petitioner attaining superannuation. Only for the delay in obtaining the clearance report, payment of terminal benefits of a retired employee ought not to be delayed.
14. The stand of the respondent authority that had there been an unblemished service record of the petitioner, the issue could have been different cannot be accepted by the Court.
15. The petitioner was an employee of the authority. The authority initiated disciplinary proceeding against him and imposed penalty. After imposition of penalty, the disciplinary proceeding comes to an end. Once the employee retires without a pending disciplinary



proceeding on record, the authority would be bound to disburse the terminal dues on retirement or immediately thereafter.

16. The fact that terminal dues are supposed to be disbursed upon retirement is evident from the averment made in the report that, all retirement benefits would have immediately been disbursed in his favour had the petitioner an unblemished service record.
17. Non granting of terminal dues for a period of three years after retirement on the plea of non- issuance of vigilance clearance certificate amounts to penalizing the employee which the employer cannot do, as the employer-employee relationship ceases on superannuation.
18. In view of the reasons mentioned hereinabove, the Court is of the opinion that the authorities have actually delayed in making payment of the terminal dues of the petitioner for which the authorities would be bound to pay some amount of interest.
19. The General Manager, Finance and Accounts, the respondent no.4 herein is directed to grant simple interest to the petitioner at the rate of 6% per annum on the retiral dues to be calculated on and from his next date of retirement till the date of actual payment.
20. The interest shall be disbursed positively within a period of twelve weeks from the date of communication of this order.
21. In the event interest is not paid within the time-limit stipulated hereinabove, then the petitioner would be entitled to additional



interest of 2%, i.e., 8% (6+2) from the next date of retirement till the date of actual payment.

22. The writ petition stands disposed of.
23. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.
24. Urgent certified photocopy of this judgment, if applied for, be supplied to the parties or their advocates on record expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)