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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CONT.CAS(C) 99/2008

DR.DHARMENDRA SINGH Petitioner
Through : Petitioner in person.

versus

RANGLAL JAMUDA Respondent
Through : Mr. S. Rajappa and
Mr. H. Jayaraman, Advs. with
Mr. Nagender Goyal, Assistant Commissioner,
KVS (HQ).

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

% ORDER
21.10.2011

1. Vide order dated 8.2.2011, counsel for the respondent had sought an adjournment to obtain instructions from his client. The said adjournment was sought in the light of the submission made by the counsel for the petitioner that Section 53(1)(b) of the Fundamental Rules would be applicable in the present case for deciding the question of allowances to be paid to the petitioner by the disciplinary authority, upon conclusion of the enquiry proceedings.

2. In the aforesaid order, though the respondent disputed the fact that the aforesaid Fundamental Rules would be applicable, however, it

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was conceded that subsistence allowance would include HRA, CCA and DA. Counsel for the respondent had also admitted that the said three components remained unpaid to the petitioner as the respondent had been under the impression that the same were to be paid only after the conclusion of the enquiry of the disciplinary authority.

3. Pertinently, the judgment dated 21.5.2007, compliance of which is sought by the petitioner, was passed by the Division Bench in WP(C)No.16390/2005, wherein, amongst others, one of the directions issued was that the respondent would reinstate the petitioner within one week and the subsistence allowance, if not already paid to him, would be paid within one week. It was further directed that the petitioner's entitlement to pay and allowance would be decided by the disciplinary authority upon conclusion of the inquiry proceedings.

4. Counsel for the respondent states that pursuant to the aforesaid order of the Division Bench and the order dated 6.7.2011 passed in the present proceedings, the order dated 11.8.2009, which has been passed by the disciplinary authority, has been placed on record. As per the said order, the disciplinary authority awarded a penalty of dismissal from service to the petitioner with immediate effect, which would disqualify him from any future employment under the Government. It was further held that the intervening period of

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suspension would be treated as 'dies-non' for all purposes.

5. Counsel for the respondent states that the authorized representative of the respondent, namely, Mr. Nagender Goyal, Assistant Commissioner, KVS (HQ), is present in Court in terms of the last order. The respondent undertakes that all the three pending components of the subsistence allowance and any other amount, admissible as per rules, shall be released to the petitioner within four weeks from today.

6. In view of the aforesaid submission made on behalf of the respondent, nothing further survives in the present petition. The same is accordingly disposed of.

File be consigned to the record room.



HIMA KOHLI, J

OCTOBER 21, 2011
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→ Fresh CM 1705/12 for
revival of CC & filed.