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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CONT.CAS(C) 765/2011

EX NK SAWANT SINGH

..... Petitioner

Through: Mr. Ankur Chhibber, Adv. with
Mr.S. Parwanda, Adv.

versus

RK SINGH & ORS

..... Respondents

Through: Mr. Rajinder Nischal, Adv.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

21.10.2011

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1. The present petition is filed by the petitioner stating *inter alia* that the respondents are in contempt inasmuch as they have not complied with the judgment dated 03.03.2011 passed in **W.P.(C) No.3898/1998** (Annexure P-1).

2. Counsel for the petitioner states that the petitioner had filed the aforesaid writ petition praying *inter alia* for quashing of orders dated 28.02.1997 and 24.10.1997 by which the petitioner was dismissed from service by the respondent/CRPF. It is submitted that the aforesaid writ petition was disposed of by the judgment dated 3.3.2011 directing that the penalty of compulsory retirement would be imposed on the petitioner for his misdemeanors with effect from 16.5.1997. The petitioner was further held entitled to the benefits of

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pension and gratuity as per the applicable rules to be paid within six months from the date of passing of the judgment while directing that future pension would be released to him on a monthly basis. It was however held that the petitioner would not be entitled to any wages for the period from w.e.f. 01.03.1997 to 16.05.1997.

3. Counsel for the petitioner states that the respondents have not complied with the aforesaid judgment inasmuch as neither pension, nor gratuity to which the petitioner is entitled has been released to him, even though an order dated 26.08.2011 has been passed by the respondents, wherein the punishment of dismissal from service awarded to the petitioner has been converted into that of compulsory retirement w.e.f. 16.05.1997.

4. Counsel for the respondents states, on instructions from his client, that certain procedural formalities are required to be completed for release of pension and gratuity, for which the petitioner is required to fill out certain forms. It is stated that these documents were handed over to the petitioner by the officers of the department, but the said forms have not been filled up and returned by the petitioner. Counsel for the petitioner denies the aforesaid position and states that no such forms have been handed over to the petitioner.

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5. To put the controversy at rest, counsel for the respondents is directed to furnish afresh, the requisite forms to the counsel for the petitioner within 10 days. The petitioner shall fill up the said forms and forward the same directly to the respondents. Thereafter, the respondents shall ensure that the pension and gratuity of the petitioner is released forthwith and preferably within a period of four weeks from the date of submission of such duly filled up forms. The respondents shall also ensure release of future pension to the petitioner on a monthly basis.

6. In case, the respondents do not release to the petitioner, the amounts as indicated hereinabove, he shall be at liberty to bring the same to the notice of this Court.

7. The petition is disposed of.



HIMA KOHLI,J

OCTOBER 21, 2011
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