



\$~78

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

CNR No. DLHC010370792026

+ **W.P.(C) 11527/2026**

R S MISRA

.....Petitioner

Through: **Mr. R.K Ojha, Advocate.**

versus

UNION OF INDIA AND ORS

.....Respondents

Through: **Mr. Chirag Madan, SPC with Mr. Sai Krishna Kr, Ms. Rachael Tuli and Mr. Vivek Nagar, Advocates for R-1, 5 and 6.**

Mr. S Rajappa, Mr. R. Gowrishankar, and Ms. G Divya Sri, Advocates for R-2 and 3.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

12.08.2026

%

1. The Petitioner, who was serving as a PGT (Chemistry) with the Kendriya Vidyalaya Sangathan ["KVS"], seeks directions to the Respondents for grant of gratuity, pension and other post-retirement benefits, including medical facilities, along with interest.

2. At the outset, it is noted that the Petitioner's claim for pension and gratuity has already been the subject matter of several rounds of litigation. In particular, the Division Bench of this Court, in its judgment dated 29th April, 2024 in W.P.(C) 7869/2007 and other connected matters, considered the Petitioner's claim for pension and gratuity and the earlier proceedings in



relation thereto, and observed as follows:

“36. Similarly, in so far as the CONT.CAS(C) 996/2022, which has been filed alleging violation of order dated July 13, 2018 in CM. No. 15855/2017 in W.P.(C) 78-69/2007 is concerned, the allegation of the petitioner is that, this Court had directed the respondent to release the pension, gratuity etc. immediately, but the respondent in defiance has not released the same. Insofar as this issue of release of pension and gratuity is concerned, the request of the petitioner was rejected by the respondent on February 7, 2014. Feeling aggrieved, he preferred an O.A No. 2878/2014, which was dismissed by the Tribunal vide order dated November 4, 2015. Against the said order, petitioner filed a petition being W.P.(C) 1795/2016 and the same was dismissed by this Court vide order dated March 2, 2016. The relevant paragraphs of the order dated March 2; 2016 are reproduced as under:

“7. The petitioner had challenged the finding of the Tribunal in order dated 24th July, 2007 in WP(C) lfo.3902/2008 which was dismissed vide order dated 10th July, 2009. The petitioner had thereafter preferred a Review Petition before the High Court which too was dismissed vide order dated 23rd Augsts, 2009. The petitioner had thereafter filed a Special Leave Petition (C) against these two orders passed by the High Court but the same was dismissed on 12.3.2010. 8. Read in this light it is clear to us that the findings recorded in the order dated 24.7.2007 in OA No.996/2006 on the question of effective date of the order under Article 81 (B) of the KVSE Code, is final and conclusive. The petitioner cannot now raise the same issue all over again. The findings recorded in the earlier proceedings in O.A. No. 996/2006 was to operate as res judicate and bind the petitioner. “

37. Therefore, the petitioner cannot seek initiation of contempt proceeding, on the basis of purported direction, which was nor given by this Court, and seek the release of pension and gratuity with interest. Even otherwise, it may be stated here vide order dated October 16, 2019 in W.P.(C) 7869/2007, the petitioner vide CM. No. 10734/2019 had sought for release of gratuity, pension and other benefits. This Court in paragraph 2 clearly stated as under:

“2. This application, in our view is completely misconceived considering the facts that the services of the Petitioner were terminated by the Respondent and the said termination has been upheld by the Tribunal, by this Court as well as by the Supreme Court. The termination of service leads to forfeiture of pension and gratuity. “
Hence this contempt petition is closed.

38. Similarly in so far as CONT.CAS(C) 998/2016, is concerned, same has been filed alleging violation of order dated October 16, 2019 by stating that, in terms of the said order, the respondent was required to release the compassionate allowances to the petitioner, but not a single



penny has been released to him. Suffice to state that, this court in paragraph 3 of the order dated October 16, 2019, which refers to claim of the petitioner for compassionate allowances, has stated as under:

3. The Petitioner may, however, claim compassionate allowance under Rule 69 of the CCS Pension Rules. In case, he makes such claim or has already made the same, Respondents are directed to deal with the same and pass an appropriate order within four weeks."

39. From the above, it is clear that the direction was only to deal with the claim of the petitioner for compassionate allowances and pass appropriate order within four weeks.

40. Mr. Rajappa stated that the claim of compassionate allowance has already been rejected vide order dated November 27, 2019, annexed as Annexure-D to the written submission in the writ petition filed by the respondent. In the order dated November 27, 2019, the respondent has clearly made a reference to the order dated October 16, 2019 passed by this Court. If that be so, order dated October 16, 2019 with regard to compassionate allowance having been complied with; this contempt petition is not maintainable and is also closed.

41. In view of our conclusion above, nothing survive in the application filed in the writ petition and contempt petitions. The same are closed as having become infructuous / being without merit. All the pending applications are dismissed as infructuous."

3. The record thus indicates that the Petitioner's claim for pension and gratuity has travelled through several rounds of litigation. His request for pension and gratuity was first rejected by KVS on 7th February, 2014. The Petitioner challenged the said rejection in O.A. No. 2878/2014, which was dismissed by CAT on 4th November, 2015. His further challenge by way of W.P.(C) 1795/2016 was also dismissed by this Court on 2nd March, 2016. The Petitioner thereafter again sought pension, gratuity and other retiral benefits through CM No. 10734/2019 in W.P.(C) 7869/2007, which had originally arisen from his claim for promotion to the post of Vice-Principal. The said application was dismissed on 16th October, 2019, having regard to the fact that the termination of the Petitioner's services had attained finality.
4. The aforementioned litigation history was considered by the Division Bench in its judgment dated 29th April, 2024, as extracted above, in the



context of CONT.CAS(C) 996/2022, wherein non-compliance with an earlier order for release of pension and gratuity was alleged. The Division Bench found that no such direction had been issued and accordingly closed the contempt petition as well.

5. The Petitioner did not assail the judgment dated 29th April, 2024. Instead, he instituted W.P.(C) 798/2024 before the Supreme Court, which was subsequently withdrawn with liberty to approach this Court for exercising such other remedies as may be available to him.

6. It is not discernible from the order of the Supreme Court as to what submissions were advanced before it or the precise nature of the remedies sought to be pursued before this Court. While the Petitioner was granted liberty to approach this Court for exercising such other remedies as may be available to him, the present petition seeks substantially the same reliefs concerning pension and gratuity which have already been considered and declined in the earlier rounds of litigation. The liberty so granted cannot, in the absence of anything to the contrary, be understood as reopening issues which had already attained finality.

7. In view of the above, counsel appearing for the Petitioner states, on instructions, that he does not wish to press the present petition and seeks leave to withdraw the same.

8. The writ petition is accordingly dismissed as withdrawn.

SANJEEV NARULA, J

AUGUST 12, 2026/ar