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

CNR No. DLHC010530142025

+ **W.P.(C) 11565/2025**

PREM KUMAR WAHI

.....Petitioner

Through: Mr. C. S. Parasher and Mr. Ashish,
Advocates.

versus

**RAWAL PINDI SANATAN DHARMA SENIOR SECONDARY
SCHOOL & ANR.**

.....Respondents

Through: *None.*

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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21.08.2026

1. Despite repeated opportunities, Respondent No. 1 has not filed its counter affidavit. There was no appearance on its behalf on the previous date of hearing and the position remains the same today. The Court has, accordingly, proceeded to hear counsel for the Petitioner and considered the material placed on record.

2. The Petitioner joined Respondent No. 1-School as a Trained Graduate Teacher ("TGT") on 08th October, 1990 and was subsequently promoted as Post Graduate Teacher ("PGT") in 2003, Vice-Principal in 2015 and Principal in 2018. Shortly before his superannuation, he was served with a memorandum of charge dated 20th February, 2024 containing five articles of charge, to which he submitted his reply on 29th February, 2024. An Inquiry



Officer was thereafter appointed and, during the pendency of the disciplinary proceedings, the Petitioner superannuated from service on 31st March, 2024.

3. The Inquiry Officer submitted his report dated 10th December, 2024 holding all five charges to be proved. The report was thereafter considered by the Disciplinary Authority Committee (“DAC”) on 03rd April, 2025 and a copy thereof was furnished to the Petitioner for his response. The Petitioner has also submitted his objections thereto. However, despite the passage of considerable time, no final decision has yet been taken in the disciplinary proceedings.

4. The pendency of the disciplinary proceedings has also resulted in delay in settlement of the Petitioner’s retiral dues. The Directorate of Education has, on more than one occasion, directed Respondent No. 1 to release the provisional pension payable to the Petitioner. Counsel for the Petitioner states that provisional pension, though released after considerable delay, has presently been paid only up to May, 2026.

5. In this regard, reference may be made to the decision of the Coordinate Bench of this Court in ***K.R. Subbanna v. Delhi Kannada Senior Secondary School & Anr.***,¹ which concerned an employee of an aided school. This Court, while considering Rules 9 and 69 of the CCS (Pension) Rules, 1972 in the context of disciplinary proceedings against such an employee, held that upon commencement of departmental proceedings, provisional pension remains payable, while regular pension may await their conclusion.

6. In these circumstances, the grievance of the Petitioner regarding the



continued absence of finality in the disciplinary proceedings is justified. This Court does not consider it appropriate to enter into the merits of the charges or the findings returned by the Inquiry Officer. However, the disciplinary proceedings, which commenced prior to the Petitioner's superannuation and in which the inquiry report has already been submitted, cannot be permitted to remain pending indefinitely, particularly when their conclusion has a direct bearing upon settlement of his remaining retiral dues.

7. Accordingly, the present petition is disposed of with a direction to the competent Disciplinary Authority of Respondent No. 1 to take a final decision in the disciplinary proceedings arising from the memorandum of charge dated 20th February, 2024, in accordance with law, within a period of six weeks from today. Upon culmination of the disciplinary proceedings, the Petitioner's entitlement to the remaining retiral dues shall be considered and the amounts, if any, found payable shall be released expeditiously in accordance with law.

8. Insofar as provisional pension is concerned, any arrears thereof shall be cleared forthwith and the same shall continue to be paid regularly, in accordance with the applicable rules, until the disciplinary proceedings attain finality.

9. All rights and contentions of the parties concerning the disciplinary proceedings as well as the Petitioner's entitlement to the remaining retiral benefits are left open.

¹ 2013:DHC:6414.



10. The writ petition is disposed of in the above terms. Pending application(s), if any, also stand disposed of.

SANJEEV NARULA, J

AUGUST 21, 2026/hc