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

\+ W.P.(C) 9418/2015

DR. V.S. PARMAR ..... Petitioner

Through: Mr. S.K. Sharma, Advocate with Mr. Archit Vasudeva, Advocate.

versus

UNIVERSITY OF DELHI & ORS ..... Respondents

Through: Mr. Mohinder J.S. Rupal, Advocate for University of Delhi.

CORAM:
HON'BLE MR. JUSTICE SUDERSHAN KUMAR MISRA

O R D E R

% 12.01.2016

This petition has been moved by Dr. V.S. Parmar who retired sometime in November, 2013 as Head of Department from the University of Delhi. In substance he is aggrieved of the refusal to disburse his pension as per his entitlement by the respondent No. 3 i.e. Assistant Registrar of the University. It appears that the only impediment to the release of the petitioner's pension is an order passed by this Court on 09th August, 2011 in criminal writ petition No. 355/11 titled ***Prof. V.S. Padma versus State Government of NCT of Delhi*** whereby certain directions were given by this Court in connection with an FIR that was lodged on 08th April, 2010 under Section 337 IPC and it was further directed that *"35.......(i) Money lying with the University of Delhi, where the petitioner is serving, shall not be released in case if he does not join the trial;......."*

It is pointed out by the petitioner that the petitioners has in fact jointed the trial thereafter which is going on before the Court of the Metropolitan Magistrate (West) Delhi.

In reply, the University has also taken the stand that it is in view of the aforesaid order passed by this Court that the pension of the petitioner was being withheld; and that they do not have any other ground to withhold the same. It is also stated that the University would have no objection in releasing the same if the Court is satisfied with the petitioner has met the aforesaid condition. In these circumstances and since the petitioner has infact joined the trial, which is proceeding as per law, the aforesaid condition stands satisfied. Consequently, the petitioner is now entitled to release of all pensionary benefits as per the applicable rules.

In addition, and looking to the nature of the mandate; and also the subsequent communications between the respondents and the petitioner in this behalf, and without going further into the matter, it is directed that all pensionary benefits be now released to the petitioner within two weeks from today along with interest @ 7% p.a.

The petition stands disposed of.

Dasti.

SUDERSHAN KUMAR MISRA, J

JANUARY 12, 2016
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