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

+ W.P.(C) 1245/2017

+ W.P.(C) 1240/2017

K B SHARMA

J K JAIN

..... Petitioners

Through: Mr. Rakesh Kr. Khanna, Sr. Adv.
with Mr. Pramod Gupta and Ms.
Kreeti Joshi, Advs.

versus

DELHI TOURISM AND TRANSPORTATION

DEVELOPMENT CORPORATION LTD

..... Respondent

Through: Mr. Prashanto Sen, Sr. Adv. with
Ms. Sanah Batta, Mr. Udayan Verma,
Mr. Shivanshu Singh and Mr. Sarvesh
Mishra, Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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18.07.2017

W.P.(C) 1245/2017

W.P.(C) 1240/2017

On 13th February, 2017, this Court had passed the following order:

“1. Learned senior counsel for the petitioner argues that the memorandum of charges in the present case is mala fide in the true sense of the term as the issue against the petitioner was raised about five days before the retirement of the petitioner. Also an issue of loss of interest in a rolling over account cannot be a basis of issuing of a charge sheet because there cannot be regular monitoring of such rolling

account by an employee of the respondent.

2. In view of the arguments urged on behalf of learned senior counsel for the petitioner, till further orders unless varied by the Court, there shall be stay of operation of the charge sheet dated 25.11.2016.

3. Respondent can withhold a sum of Rs. 1,00,000/- from the terminal benefits of the petitioner, but all other amounts which are due to the petitioner shall be paid to the petitioner, and which will be subject to the order of the disciplinary authority achieving finality.

4. Issue notice.

5. Counsel for the respondent enters appearance and accepts notice. Let counter affidavit be filed within four weeks. Rejoinder affidavit thereto, if any, be filed within three weeks thereafter.

6. List on 3rd July, 2017.”

When the matters were listed on 3rd July, 2017, a question arose, whether the order dated 13th February, 2017 has been complied with. Mr. Prashanto Sen, Id. Sr. Counsel appearing for the respondent sought time to seek instructions. Today Mr. Sen, on instructions state, the order dated 13th February, 2017 shall be complied within two weeks. In other words, he states, the complete terminal benefits except Rs.1,00,000/- shall be released to the petitioners within two weeks. In so far as the Gratuity is concerned, Mr. Sen states the same needs to be paid by LIC. A request in that regard shall be made to the LIC by the respondent within one week from today and on receipt of the amount, the same shall be released to the petitioners within two weeks.

In view of above and the fact that this Court on 13th February, 2017

had stated that the release of the amount to the petitioners shall be subject to the orders of the disciplinary authority achieving finality, this Court is of the view that present petition can be disposed of in terms of the said order. It is reiterated that the amounts which are being paid to the petitioners as terminal benefits will be subject to the orders of the Disciplinary Authority achieving finality.

The petitions stand disposed of.

CM No. 5673/2017 in W.P.(C) 1245/2017
CM No. 5665/2017 in W.P.(C) 1240/2017

Dismissed as infructuous.

V. KAMESWAR RAO, J

JULY 18, 2017/jg