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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8995/2016**
VEENA SAHRAWAT

..... Petitioner

Through: Mr. Francis Paul, Adv.

versus

NATIONAL SCHOOL OF DRAMA

..... Respondent

Through: Mr. A.P. Singh, Adv. for R-1/UI
Ms. Tamali Wad, Adv. with Mr.
Prince Anthony, Adv. for R-2

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **04.09.2017**

1. The present petition has been filed by the petitioner with the following prayers:-

“In view of the above submissions, it is most respectfully prayed that:

a. this Hon'ble Court be pleased to issue a Writ of Mandamus or Any Other Writ Or Orders or Directions to the respondents to immediately release the Gratuity amount and Leave Encashment amount of approximately Rs.12,00,000/- (Rupees Twelve Lacs) of the petitioner and provide regular pension to her instead of provisional Pension. These benefits of the petitioner is illegally and malafidely withheld by the respondents without issuing any show cause notice and in gross

violation of the principle of natural justice.

b. The respondents be directed to pay interest @ 18% on the amount due to the petitioner w.e.f 01.01.2014;

c. The respondents be also directed to pay compensation/damages/litigation charges to the petitioner for illegally withholding the retirement dues of the petitioner w.e.f 01.01.2014.”

2. It is a conceded position of the parties that a charge sheet was issued to the petitioner on December 24, 2013 and the Enquiry Officer has completed the proceedings. A copy of the inquiry report was given to the petitioner for her comments on April 12, 2015. In the meantime, on December 31, 2013 the petitioner attained the age of superannuation.

3. It is the submission of the learned counsel for the petitioner that despite the fact that the petitioner had submitted her representation to the inquiry report, no final order has been passed.

4. Learned counsel appearing for the respondent would state, as the respondent had to take second stage advice from the CVC, the case of the petitioner was sent to the CVC for the same. As no response has been received from the CVC, it appears the matter is still under consideration.

5. The learned counsel for the petitioner states, in view of the proposal of the respondent to CVC to seek recovery of Rupees Fifty Thousand only

i.e the pecuniary loss caused to the respondent, the respondent should be directed to release at least Rs.10 Lacs against the retirement benefits. This submission of the learned counsel for the petitioner is opposed by the learned counsel for the respondent by stating that the proposal of the respondent is only tentative and the same shall be subject to the advice of the CVC and the orders to be passed by the Competent Authority. I agree with the submission made by the learned counsel for the respondent, till such time a final order is passed, no retiral dues can be released in favour of the petitioner. Accordingly, I deem it fit to direct the respondents to take up the matter with the CVC and ensure passing of the final order within four months from the date of receipt of copy of this order.

6. If the petitioner is aggrieved by any order passed by the respondent, she can avail such remedy as available in law. Petition stands disposed of.

V. KAMESWAR RAO, J

SEPTEMBER 04, 2017/ak