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

+ **W.P.(C) 11537/2016 & C.M. No.45433/2016**

**GOVT OF NCT OF DELHI AND ORS**

..... Petitioners

Through: Dr.Vikrant Narayan Vasudeva, Adv.  
Mr.Ravindra Kumar Yadav, Assistant  
Director (Litigation).

versus

**O.P. SHARMA**

..... Respondent

Through: Mr.Ravinder Kumar Yadav, Adv.  
with Ms.Arati Anupriya, Adv. &  
Ms.Preeti Singh, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE VIPIN SANGHI**

**HON'BLE MS. JUSTICE REKHA PALLI**

**ORDER**

**12.10.2017**

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The petitioners have passed an order imposing penalty on 24<sup>th</sup> March, 2017 whereby 20% cut in pension of the respondent has been imposed for a period of two years. The petitioners had preferred the present writ petition since the Tribunal refused to extend the time to enable the petitioners to pass the said penalty order.

Since the penalty order has already been passed, keeping in view the facts and circumstances of the case and in view of our decision in Writ Petition (C) No.5658/2017, we allow the writ petition and grant extension of time to the petitioners to pass the penalty order till the date when the same was actually passed.

Learned counsel for the respondent submits that the respondent is being harassed unnecessarily. He submits that the respondent reserves his right to assail the penalty order dated 24<sup>th</sup> March, 2017. In any event, the petitioners have not released the pension of the respondent by imposing the said cut of 20% for a period of two years. The respondent had superannuated on 31<sup>st</sup> August, 2013. Therefore, he is entitled to receive the arrears of his pension and other retiral benefits which have not been released.

On a query by the Court, firstly it was stated that the respondent was required to furnish some particulars. The matter was passed over and now it is informed by Mr. Ravinder Kumar Yadav, Assistant Director (Litigation), that only a verbal communication between the petitioners and respondent took place. Pertinently, the provisional pension of the respondent is being paid to him. Therefore, the petitioners have all the requisite particulars and details of the respondent to be able to release the arrears of pension and other benefits admissible to him.

It appears to this Court that the respondent is unnecessarily being harassed in the matter of release of his retiral dues even after imposition of the penalty. We, therefore, direct the petitioners to release all the arrears of pension and other dues to the respondent after taking into account the effect of the penalty order, positively within the next two weeks. In case the same is not so released, the Director, Department of Social Welfare, Women & Child Development, shall personally be held responsible for the said lapse. In case the amount is not released, it is open to the respondent to move an application before this Court for initiation of the contempt proceedings against the aforesaid Director.

The writ petition stands disposed of in the above terms.

In case the respondent is so minded, he may make his claim in respect of interest on the delayed payment of arrears.

Copy of this order be given dasti under the signatures of the Court Master of this Court, to counsel for the petitioners.

**C.M. No.45433/2016**

In view of the writ petition having been disposed of, this application does not survive for adjudication and is dismissed as such.

**VIPIN SANGHI, J**

**REKHA PALLI, J**

**OCTOBER 12, 2017/aa**