

\$~34

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

+ **W.P.(C) 10267/2017 & CM No. 41870/2017**

DR. HARISH C. RAI Petitioner

Through: Mr. Ankur Chibber, Advocate
versus

GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY AND
ORS. Respondents

Through: Ms. Anita Sahani, Advocate for
respondent No. 1- GGSIPU
Mr. Ravinder Agarwal, Advocate for
respondent No. 4- CVC

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **20.11.2017**

In the first round of litigation, petitioner's grievance against the grant of Leave Encashment and Gratuity was dealt with vide order of 5th October, 2015 in W.P. (C) 6675/2015 (*Annexure P-2*). Learned counsel for petitioner submits that the issue of Leave Encashment has been resolved but that of gratuity subsists for want of Second Stage Advice from respondent-Central Vigilance Commission (*for short 'CVC'*), which is not forthcoming since August, 2015.

In this writ petition, a direction is sought to respondent-CVC to give the second stage advice.

The context in which Second Stage Advice is relevant to resolve the gratuity issue, is contained in paragraph No. 22 of this Court's order (*Annexure P-2*) in the first round of litigation. It is as under: -

"Insofar as the case at serial No.6 is concerned, at the most the cost imposed by the Supreme Court can be

recovered by the respondent No.1 and nothing more. The same cannot be a ground to withhold the gratuity. In any case as I have held that in view of the cases at serial Nos.3 & 4 above which were pending on the date of superannuation of the petitioner because of which the gratuity was not payable, if ultimately the Competent Authority is of the view that pursuant to the advice given by the Central Vigilance Commission that the charges have not been proved against the petitioner and the enquiry report is accepted, the case at serial No.6 above would not come in the way or cannot be construed as disciplinary proceedings pending against the petitioner for withholding the gratuity.”

Learned counsel for respondent-CVC submits that it is unlikely that the Second Stage CVC's Advice is not furnished till date and if it is so, then it would be done expeditiously.

In the facts and circumstance of this case, this writ petition is disposed of with direction to respondent-CVC to furnish the Second Stage Advice to respondent-University, if it is already not done, within eight weeks and its intimation be also given to petitioner within two weeks thereafter. It is made clear that if the aforesaid advice has been already furnished, still it's intimation be given to petitioner to seek redressal of the surviving issue of gratuity.

With aforesaid direction, this petition is disposed of.

**(SUNIL GAUR)
JUDGE**

NOVEMBER 20, 2017

S