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

+ **W.P.(C) 9026/2019**

MUKESH BHARDWAJ

..... Petitioner

Through: Mr. A.K. Trivedi with Mr. Naveen
Kumar, Advs.

versus

UNION OF INDIA & ORS

..... Respondent

Through: Mr. J.K. Singh with Mr. Varun
Bhadola, Advs.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

21.08.2019

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The only submission advanced by learned counsel for the petitioner is that even though the Revisional Order passed by the respondents reduced the penalty from dismissal from service to removal from service with pensionary benefits as per Extant Rules, the petitioner has not been paid the full pensionary benefits and merely Compassionate Allowance which translates to two-thirds of the full pension is being paid to the petitioner.

We have heard learned counsels and since the issue is rather small, we proceed to dispose of the writ petition. The operative portion of the Revisional Order reads as follows:

“Taking into account all the facts & figures available in the file and to meet the call of natural justice, I hereby decide to impose upon you the penalty of removal from service with pensionary benefits as per extant rules, instead of penalty of dismissal imposed by Disciplinary Authority and upheld by Appellate Authority.”

Aforesaid being the position, the penalty awarded to the petitioner merely tantamounts to compulsory retirement since he has been sought to be removed with pensionary benefits as per Extant Rules. The grant of pensionary benefits cannot be construed as compassionate allowance which is payable under Rule 41 of the CCS Pension Rules to an employee who is dismissed or removed from service on the discretion of the competent authority.

The terminology used in Rule 41 is that of “Compassionate Allowance” which cannot be equated with “Pensionary Benefits”. Moreover the term “Pensionary Benefits” conveys grant of not only the pension but also other benefits such as gratuity, leave encashment, etc.

We, thus, dispose of this petition with a direction to the respondents to grant all pensionary benefits to the petitioner from the date of his removal.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

AUGUST 21, 2019

N.Khanna