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

\+ W.P.(C) 9707/2017 & CM APPL. 39528/2017

SH. PREM SINGH MANRAL AND ANR. ..... Petitioners

Through: Mr. Atul Sharma, Advocate.

versus

INDIAN INSTITUTE OF MASS COMMUNICATION AND ANR. ..... Respondents

Through: Mr. Amit Singh and Mr. Rajan Singh, Advocates for R-1.

Mr. Arun Bhardwaj, CGSC with Mr.Santosh Kumar Pandey, Govt. Pleader, Mr. Nikhil Bhardwaj and Mr.Shashwat Sharma, Advs. for UOI.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MR. JUSTICE A. K. CHAWLA

O R D E R

% 18.02.2019

1. The petitioners are aggrieved by the order dated 08.05.2017 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (‘Tribunal’) in OA No.1324/2017 preferred by them.

2. The Tribunal has disposed of the said Original Application at the admission stage with a direction to the competent Disciplinary Authority to take a decision on the inquiry report arising out of the memos of charge dated 31.07.2018 issued to the petitioners within a period of two months. It was further directed that in case the Disciplinary Authority decides to initiate any action on the basis of the inquiry report, the same shall be done in accordance with the procedure prescribed under the relevant Rules, which includes serving

of the copy of the inquiry report and providing an opportunity to the applicants to make their representation in respect to the inquiry report. In such an eventuality, apart from allowing the applicants to make representation, they were to be provided with a personal hearing as well, if so demand.

3. The petitioners were working on a particular project in the year 1995-96. In relation to the said project, the Ministry of Information and Broadcasting directed an inquiry through the Vigilance Department which was conducted in the year 2005. In this report the two petitioners were implicated.

4. Consequently on 31.07.2008 the charge memos were issued to the petitioners. Whereas, petitioner No.2 superannuated on 31.07.2008; petitioner No.1 superannuated on 31.08.2009. In the year 2010, the inquiry report was made by the Inquiry Officer exonerating both the petitioners. The said inquiry report remained with the Disciplinary Authority without any further action. He has neither accepted the same, nor disagreed with the same.

5. The grievance of the petitioners was that their retiral dues, namely, their leave encashment and gratuity have not been paid since the date of their superannuation, premised only on the pendency of the disciplinary proceedings.

6. Upon our issuance of notice in this petition, the respondents filed their reply disclosing that the inquiry report was marked to the Consultant (Finance) on 08.10.2012 for analysing the same for re-submission of the case to the Chairman, Indian Institute of Mass Communication, for final decision. On the basis of the said action, legal opinion was taken. The counter-affidavit discloses that respondent No.1–Indian Institute of Mass Communication, had requested respondent No.2–the Ministry of Information and Broadcasting to consider and treat the cases against the petitioners as closed, and to release the withheld amounts. The Vigilance Department of the Ministry of Information

and Broadcasting, requested respondent No.1 on 31.12.2015 for the submission of the final decision taken by the Chairman of respondent No.1 on the inquiry report.

7. A perusal of the entire counter-affidavit shows that there is no clarity emerging with regard to the stand of the respondents, and the entire matter is put *in limbo*.

8. Counsel for the petitioner points out that the respondents have also made a police complaint. He further submits that the no FIR has been registered on the said complaint till date.

9. The petitioners cannot be made to wait endlessly to receive the final settlement of their accounts upon their superannuation. Both of them retired 10-11 years ago. In these circumstances, we allow the petition and direct the respondents to release to the petitioners their leave encashment and gratuity within one month, after making any justified deduction under the Rules. However, the charge memos in question dated 31.07.2008 shall not be a reason to deduct any amount from their dues. The petitioners shall also be entitled to simple interest on their dues @ 6% p.a. from the dates when the amounts became due, till payment.

10. Petition stands disposed of accordingly.

VIPIN SANGHI, J

A. K. CHAWLA, J

FEBRUARY 18, 2019

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