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

+ **W.P.(C) 6570/2025 & CM APPL. 29783/2025**

**PARVESH DABAS**

.....Petitioner

Through: Mr. Alok Dev, Advocate with  
petitioner in person.

versus

**THE PRINCIPAL DISTRICT AND SESSIONS JUDGE (NORTH  
WEST) & ANR.**

.....Respondents

Through: Mrs. Avnish Ahlawat, SC for  
GNCTD with Mr. Nitesh Kumar  
Singh, Ms. Laavanya Kaushik, Ms.  
Aliza Alam, Mr. Amitoj Chadha  
and Mr. Mohnish Sehrawat,  
Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

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**16.05.2025**

1. The petitioner was employed in the establishment of the District Court as a Process Server since the year 2007.
2. By way of this petition, under Article 226 of the Constitution, he contends that his salary for the period from August 2024 to April 2025 has not been paid, that no show cause notice has been issued to him and no disciplinary proceedings have been commenced.
3. In the writ petition, it is admitted that the petitioner remained absent from work from 01.06.2024 to 13.08.2024. It is claimed that this was due to certain medical difficulties, but the first communication to the



respondents, in this regard, was sent only on 21.07.2024. The petitioner contends that he joined work again on 14.08.2024, and that he had sufficient leave to cover the period from 01.06.2024 to 13.08.2024. It is contended that the petitioner was admitted to hospital again on 20.10.2024, and remained hospitalised till 04.11.2024.

4. The petitioner has, however, remained absent from 07.01.2025, and has not joined work even now. There is little explanation in the writ petition for his absence from January 2025, except to say that he was in a financial difficulty due to withholding of his earlier salary dues. There is no other reason in the writ petition for the petitioner to have remained absent from duty since January 2025 till now.

5. The petitioner has addressed communications dated 07.11.2024, 04.01.2025, 27.02.2025 and 02.04.2025 to the respondents for release of his withheld salary and regularisation of leave.

6. Whatever the factual situation, it cannot be disputed that any action against the petitioner, whether by way of withholding of his salary for the period during which he has not discharged his duties or by way of disciplinary proceedings, can be taken only in accordance with the applicable Rules. In these circumstances, the respondents are directed to consider the petitioner's representations, both with regard to regularisation of the period during which he was on leave, and release of his unpaid salary in accordance with the Rules. The respondents may pass a speaking order, in this regard, within four weeks from today, and release any amounts found unduly withheld, within a period of two weeks thereafter.

7. Nothing in this order will be construed as limiting the rights of the



respondents to take proceedings in accordance with law against the petitioner. The rights and remedies of the parties remain reserved.

8. The writ petition, alongwith pending application, is disposed of.

**PRATEEK JALAN, J**

**MAY 16, 2025**

SS/kb