



2026:DHC:4033-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6222/2026 and CM APPL. 30492-495/2026**
DELHI DEVELOPMENT AUTHORITYPetitioner

Through: Ms. Namrata Mukim, Standing
Counsel

versus

CHANDER PARKASHRespondent
Through:

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)
07.05.2026

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C. HARI SHANKAR, J.

1. The respondent joined the Delhi Development Authority¹ on 21 October 1980 as a Surveyor. He was promoted as Assistant Director (Survey) in March 1989.

2. On 6 October 2010, the respondent was served an order suspending him from service. This order was, however, revoked on 24 February 2014. Thereafter, on 19 May 2015, the respondent was promoted as Deputy Director (Survey). He retired on 29 February 2016.



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3. As the petitioners did not release his pensionary benefits, the respondent approached the Central Administrative Tribunal² by way of OA 2502/2023.

4. By judgment dated 9 January 2026, the Tribunal allowed the OA. Aggrieved thereby, the DDA has filed the present appeal.

5. Before the Tribunal as well as before us, the case of the petitioner-DDA is that the respondent was suspected of having fraudulently allotted plots during the year 1988-1989, following which, *vide* Office Memorandum dated 25 February 2008, the Central Vigilance Commission directed an investigation to be conducted. An inquiry was registered vide PE 29/11 followed by an FIR³ with the PS Anti Corruption Branch, Govt. Of NCT of Delhi on 6 March 2012 under Sections 13(1)(D) and 13(2) of the Prevention of Corruption Act, 1988⁴ read with Sections 420, 468, 471, read with Section 120-B of the erstwhile Indian Penal Code. The respondent was arrested on 11 July 2012 and was subsequently released on bail.

6. On 27 October 2023 and 10 October 2023, the Assistant Director (Vigilance), Directorate of Vigilance, sought sanction from the Competent Authority under Section 19(1)⁵ of the PC Act for

² “the Tribunal” hereinafter

³ First Information Report

⁴ “the PC Act” hereinafter

⁵ 19. Previous sanction necessary for prosecution.—(1) No court shall take cognizance of an offence punishable under ⁴³[Sections 7, 11, 13 and 15] alleged to have been committed by a public servant, except with the previous sanction ⁴⁴[save as otherwise provided in the Lokpal and Lokayuktas Act, 2013],—
(a) in the case of a person ⁴⁵[who is employed, or as the case may be, was at the time of commission of the alleged offence employed] in connection with the affairs of the Union and is not removable from his office save by or with the sanction of the Central Government, of that Government;
(b) in the case of a person ⁴⁶[who is employed, or as the case may be, was at the time of commission of the alleged offence employed] in connection with the affairs of a State and is not removable from his office save by or with the sanction of the State Government, of that Government;



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prosecuting the respondent. The sanction for prosecution was issued on 14 March 2024, and was forwarded to the Anti-Corruption Bureau on 21 March 2024.

7. In these circumstances, the DDA sought to contend before the Tribunal that the respondent could not be released pension.

8. The Tribunal has relied on Rule 69 of the CCS (Pension) Rules, 1972 which sets out the circumstances in which provisional pension can be granted to an employee. The Rule reads thus:

“69. Provisional pension where departmental or judicial proceedings may be pending

(1) (a) In respect of a Government servant referred to in sub-rule (4) of Rule 9, the Accounts Officer shall authorize the provisional pension equal to the maximum pension which would have been admissible on the basis of qualifying service up to the date of retirement of the Government servant, or if he was under suspension on the date of retirement up to the date immediately preceding the date on which he was placed under suspension.

(b) The provisional pension shall be authorized by the Accounts Officer during the period commencing from the date of retirement up to and including the date on which, after the conclusion of departmental or judicial proceedings, final orders are passed by the competent authority.

(c) No gratuity shall be paid to the Government servant until the conclusion of the departmental or judicial proceedings and issue of final orders thereon :

¹Provided that where departmental proceedings have been instituted under Rule 16 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, for

(c) in the case of any other person, of the authority competent to remove him from his office.

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imposing any of the penalties specified in Clauses (i), (ii) and (iv) of Rule 11 of the said rules, the payment of gratuity shall be authorized to be paid to the Government servant.

(2) Payment of provisional pension made under sub-rule (1) shall be adjusted against final retirement benefits sanctioned to such Government servant upon conclusion of such proceedings but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld either permanently or for a specified period”

9. Clearly, the retiral benefits of an employee can be restricted to provisional pension only if, on the date of his superannuation, departmental or judicial proceedings are pending against him.

10. The respondent superannuated on 29 February 2016. There were no departmental or judicial proceedings were pending against him on that date. No Court had taken cognizance of the FIR, which had been registered against the respondent. In fact, sanction for prosecution was itself granted only in 2024. No departmental charge-sheet had been issued to the respondent either. The order of suspension of the respondent which had been issued on 6 October 2010 was revoked on 24 February 2014 before the respondent superannuated.

11. In that view of the matter, there is no error in the view adopted by the Tribunal to the effect that the respondent was entitled to be released his retiral benefits and could not be limited to provisional pension.

12. We find, therefore, no case to interfere with the impugned judgment, which is, accordingly, affirmed.

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13. The writ petition is dismissed in *limine*.

C. HARI SHANKAR, J

OM PRAKASH SHUKLA, J

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