

\$~A-8

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

% **Date of decision: 30.09.2020**

+ W.P.(C) 7255/2020

B.S. METHAILA

..... Petitioner

Through: Mr.Jitender Chaudhary, Advocate

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through: Mrs. Avnish Ahlawat, Standing  
Counsel GNCTD Services with  
Mr.N.K. Singh and Ms.Palak  
Rohmetra, Advocates.

**CORAM:**

**HON'BLE MS. JUSTICE JYOTI SINGH**

**JYOTI SINGH, J. (ORAL)**

Hearing has been conducted through Video Conferencing.

**CM 24484/2020 (exemption)**

Allowed subject to all just exceptions.

Application stands disposed of.

**W.P.(C) 7255/2020**

Present Petition has been filed by the Petitioner who superannuated on 30.06.2014, raising a grievance of non-release of his provisional pension under Rule 69 of CCS (Pension) Rules, 1972.

Learned counsel for the Petitioner points out that there was an inquiry initiated against him which resulted into a penalty of compulsory retirement. Petitioner had assailed the said order before this Court and vide judgment

dated 01.07.2019 in W.P.(C) 3239/2003, the penalty of compulsory retirement was set aside, giving liberty to the Respondent to initiate the inquiry *de novo*.

Learned counsel for the Petitioner submits that *de novo* inquiry has been initiated against the Petitioner under Rules 14 and 15 of the CCS (CCA) Rules, 1965. However, entitlement of the Petitioner for provisional pension continues.

Issue notice.

Mrs. Avnish Ahlawat learned counsel accepts notice on behalf of the Respondents. She submits that the *de novo* inquiry initiated against the Petitioner is at the final stage. As far as the release of provisional pension is concerned, she submits, on instructions, that the Respondents have no objection in releasing the provisional pension, however, the release of provisional pension is only withheld on account of the fact that there are certain outstandings towards the Department which the Petitioner is liable to pay. She further submits that once the said dues are cleared and a No Objection Certificate is furnished, the needful shall be done and the Petitioner's provisional pension shall be released.

Mr. Jitender Chaudhary learned counsel for the Petitioner, on instructions, fairly submits that whatever outstanding dues are payable by the Petitioner, the same shall be paid and a No Objection Certificate as required as per law and procedure shall be furnished within a period of one week from today. Let the needful be done by the Petitioner within one week from today.

Once the No Objection Certificate is furnished by the Petitioner, action in accordance with law shall be taken by the Respondents, to release

the provisional pension within a period of two weeks thereafter. In case there are formalities that still remain to be completed at the end of petitioner, due intimation to that effect shall be sent to petitioner for him to take requisite action.

Petition is disposed of in the above terms.

In case the Petitioner is still aggrieved by any action of the Respondents, he is at liberty to approach the Court in accordance with law.

**JYOTI SINGH, J**

**SEPTEMBER 30, 2020**  
**sr**