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

+ W.P. (C) 4583/2020

VIJAY KUMAR

..... Petitioner

Through Mr. Anuj Aggarwal, Advocate.

versus

COL. SATSANGI's KIRAN MEMORIAL PUBLIC SCHOOL &
ANR.

..... Respondents

Through Mr. Kishan Rawat, Advocate for R-1.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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27.07.2020

Hearing has been conducted through Video Conferencing.

CM No. 16551/2020 (Exemption from filing certified copy of annexures, duly affirmed affidavit, Court fee etc.)

This Application has been filed seeking exemption from filing duly affirmed affidavit, certified, clear, dim copies of annexures and requisite Court fee & vakalatnama's welfare. The Application is disposed of with a direction to the Applicant to file the same within 72 hours from the date of resumption of regular functioning of the Court.

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By way of present Petition, the Petitioner seeks directions to Respondent No. 1/School to release his retiral dues including gratuity, leave encashment, etc. along with interest.

Issue notice.

Mr. Kishan Rawat accepts Notice on behalf of Respondent No. 1 and seeks a period of four weeks to file reply.

Let reply be filed within a period of four weeks from today. Rejoinder, if any, be filed before the next date of hearing.

Mr. Kishan Rawat, Learned Counsel appearing on behalf of Respondent No. 1 submits that the Disciplinary Authority has already imposed the penalty of dismissal on the Petitioner and the case has been sent for approval of the Directorate of Education in terms of Section 8 (2) of the Delhi School Education Act, 1973.

Learned Counsel relies on a recent judgment of the Supreme Court to argue that during the pendency of the Disciplinary Proceedings, Gratuity and other benefits cannot be released. He also relies on the provisions of the Payment of Gratuity Act in support of his arguments that gratuity can be legally withheld.

Issue Notice to Respondent No.2, returnable on 16.09.2020.

Petitioner is at liberty to serve Respondent No.2 through electronic mode.

JYOTI SINGH, J

JULY 27, 2020/yo