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

+ W.P.(C) 4773/2020

VIJAY KUMAR ..... Petitioner

Through Mr. Anuj Aggarwal, Advocate

versus

COL. SATSANGI's KIRAN MEMORIAL

PUBLIC SCHOOL & ANR.

..... Respondents

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

Mr. B.S. Shukla, CGSC for UOI.

**CORAM:**

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

**ORDER**

% **31.07.2020**

Hearing has been conducted through Video Conferencing.

**C.M. 17268/2020 (Exemption from filing duly affirmed affidavit, Court Fee, Vakalatnama's Welfare, etc.)**

This application has been filed seeking exemption from filing duly affirmed affidavit, *Vakalatnama's* Welfare and Court fee, etc. 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.

**W.P.(C) 4773/2020**

This petition has been filed by Petitioner laying a challenge to the Chargesheet dated 15.04.2015, Inquiry Report dated 16.12.2016 and Notice dated 15.02.2017, whereby penalty of dismissal from service was proposed to be imposed upon the Petitioner. Learned Counsel for Petitioner submits

that the Chargesheet dates back to the year 2015 and in the year 2017 it was proposed that the penalty of dismissal from service will be imposed on the Petitioner. He submits that on 07.04.2017, Respondent No.1 / School had sent a letter to the Directorate of Education seeking approval for imposition of penalty in terms of Section 8(2) of Delhi School Education Act, 1973. Petitioner, in the meantime, has attained the age of superannuation on 31.07.2016. On one hand retiral benefits have been withheld on account of the pending Disciplinary Proceedings, while on the other hand, Disciplinary Proceedings are not being finalised.

Learned Counsel for Petitioner submits that petitioner is suffering in the absence of any retiral benefits and he has challenged the withholding of the retiral benefits by way of a separate Writ Petition, being W.P.(C) No. 4583/2020 in which notice was issued on 27.07.2020 and is now listed before this Court on 16.09.2020.

Issue notice.

Mr. Kishan Rawat Advocate accepts notice on behalf of Respondent No.1 and seeks a period of six weeks to file Counter Affidavit.

Counter Affidavit be filed within six weeks. Rejoinder thereto, if any, be filed within two weeks thereafter.

Issue notice to Respondent No.2, returnable on 16.10.2020.

Petitioner is permitted to serve Respondent No.2 through electronic mode.

**JYOTI SINGH, J**

**JULY 31, 2020**

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