



2025:DHC:9105



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 10.10.2025+ **W.P.(C) 13109/2019 & CM Appls. 53429/2019, 15112/2020, 5065/2024**THE CHAIRMAN CENTRAL BOARD OF SECONDARY
EDUCATION

.....Petitioner

Through: Mr. M.A. Niyazi, SC with Ms.
Anamika Ghai, Ms. Kirti Bhardwaj,
Ms. Nehmat Sethi and Mr. Adnan,
Advs.

versus

SHRI S P RANA

.....Respondent

Through: Mr. Jawahar Raja, Mr. Ishaan Goel,
Ms. Meghan De, Ms. L. Gangmei and
Mr. Nitai Hinduja, Advs.**CORAM:****HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)**

1. The present Petition has been filed under Article 226 read with Article 227 of the Constitution of India impugning the order dated 14.08.2019 passed by the learned Appellate Authority under the Payment of Gratuity Act [hereinafter referred to as "Impugned Order"]. By the Impugned Order, the Appeal filed by the Petitioner was dismissed on the ground of limitation.

2. The record reflects that this Court while issuing Notice in the matter on 16.01.2020 had stayed the operation of the order dated 25.02.2019 [Annexure P-2] passed by the Controlling Authority under the Payment of Gratuity Act, 1972, directing the Petitioner to deposit an amount in the sum of Rs. 20 lakhs with the Registrar General of this Court.

3. Learned Counsel for the Petitioner submits that during the course of



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proceedings before this Court, the Petitioner conducted a departmental inquiry and pursuant thereto, a punishment was levied by order dated 15.03.2023 by which the Petitioner decided to permanently withdraw 1/3 of the gratuity of the Respondent.

4. Learned Counsel for the Respondent submits that the Petitioner has in its Reply to CM Appl. 5065/2024 stated that Respondent is at liberty to withdraw 2/3 of the amounts deposited in view of the inquiry proceedings decision. Learned Counsel for the Respondent does submit that these amounts be released to him.

5. Learned Counsel for the Petitioner submits that in view of the inquiry that has already taken place, the Petition has become infructuous and he may be permitted to withdraw the same. He further submits that the amounts deposited with the Registry of this Court inclusive of up to date interest may be released in the following manner:

- i. 2/3 of the amount be released to the Respondent;
- ii. 1/3 of the amount be release to the Petitioner.

5.1 Learned Counsel for the Respondent submits that this release is acceptable. However, he submits that he has challenged the inquiry proceedings and that he may be permitted to receive these amounts without prejudice to his rights and contentions in the challenge.

6. Accordingly, and in view of the consensus between the parties, the Petition is disposed of with the following directions:

- i. 66.67% of the amount deposited inclusive of up to date interest, be released to the Respondent.



- ii. 33.33% of the amount deposited inclusive of up to date interest, be released to the Petitioner in the name of the Secretary, Central Board of Secondary Education.

7. It is clarified that the order being passed today is without prejudice to the rights and contentions of the parties. The parties are at liberty to agitate their contentions in proceedings related to the departmental inquiry being conducted before the learned Appellate Authority.

8. The Petition is disposed of in the foregoing terms. All pending applications stand closed.

9. The parties shall act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

OCTOBER 10, 2025/r