



2025:DHC:8156-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 16.09.2025***

+ W.P.(C) 5186/2019

RAVI KUMAR DOGRA

.....Petitioner

Through: Mr.Manoranjan Mishra, Adv.

versus

MAHANAGAR TELEPHONE NIGAM LTD. AND ORS.

.....Respondents

Through: Mr.Jasbir Bidhuri, Adv. for R-1
and R-2Mr.Jagdish Chandra, CGSC,
Ms.Sunanda Shukla, SPC with
Mr.Sujeet Kumar, GP for UOI**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE MADHU JAIN****NAVIN CHAWLA, J. (ORAL)**

1. This petition has been filed by the petitioner, challenging the Order dated 29.03.2019 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No. 3595/2018, titled ***Mr. Ravi Kumar Dogra v. Mahanagar Telephone Nigam Limited & Ors.***, dismissing the said O.A. filed by the petitioner herein.

2. The petitioner, who was working as Technical Assistant with the respondent no.1 as on the date of his superannuation, that is, 30.06.2016, was denied his retiral dues by an Order dated 20.03.2018 on the ground that an F.I.R., being FIR No.369 dated 07.04.2015 under Sections 420/406/120B of the Indian Penal Code, 1860 was still pending against him.



3. The learned counsel for the petitioner submits that mere registration of an FIR is not sufficient to withhold the retiral benefits of an employee. He submits that in terms of Rule 9(6)(b)(i) of the CCS (Pension) Rules, 1972, it is only where the Magistrate takes cognizance of a complaint or report of a police officer, that the retiral benefits can be withheld by the Department.

4. He submits that in the present case, the petitioner had also been proceeded against departmentally by way of a Memorandum of Charge dated 28.06.2016. The same culminated into an Order dated 22.09.2017, visiting the petitioner only with a “Company/Govt. Displeasure”. He submits that, therefore, there are also no departmental proceedings pending against the petitioner that would justify the withholding of his retiral benefits.

5. On the other hand, the learned counsel for the respondent nos.1 and 2 submits that the petitioner along with some other employees, formed a housing society under the name of ‘MTNL Employees Housing Welfare Society’, which was a private society and had nothing to do with the Department. He submits that the petitioner along with the other employees, played fraud by cheating and grabbed the hard-earned money of the innocent employees of the MTNL as well as the general public by creating a sort of assurance in the mind of the public by using the name of the Department - ‘MTNL’. He submits that for the same, the petitioner was not only proceeded against departmentally but the abovementioned FIR was also registered against him. He submits



that due to the pendency of the abovementioned FIR and on the advice received from the legal unit as also the vigilance unit, the retiral benefits of the petitioner were withheld. He submits that, therefore, no fault can be found with the decision of the respondent nos.1 and 2 to withhold the retiral benefits of the petitioner, and such decision has also been rightly upheld by the learned Tribunal in the Impugned Order.

6. We have considered the submissions made by the learned counsels for the parties.

7. As far as the departmental proceedings are concerned, they have resulted in the Order dated 22.09.2017, visiting the petitioner with only a penalty of “Company/Govt. Displeasure”.

8. Rule 69 of the CCS (Pension) Rules provides for the release of the provisional pension where departmental or “judicial proceedings” against the employee are pending. Judicial proceedings are deemed to be instituted in terms of Rule 9(6)(b)(i) in the case of criminal proceedings, on the date on which the complaint or report of a police officer, of which the Magistrate takes cognizance, is made. The mere registration of an FIR against the employee, therefore, is not sufficient to withhold the retiral benefits of the employee. It is only where cognizance is taken on a report of the police officer or on a complaint, that the judicial proceedings can be said to be pending against the employee, thereby authorizing the department to withhold the retiral benefits of such employee.



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9. In the present case, it has not been contended by the respondents that the final report on the abovementioned FIR has been filed and cognizance thereof has been taken by the Magistrate/Competent Court. Therefore, the occasion to withhold the retiral benefits of the petitioner beyond 22.09.2017, that is, the date when he was visited with the penalty in the departmental proceedings, was not justified or authorized by law.

10. The learned Tribunal has erred in upholding the decisions of the respondents to withhold the retiral benefits of the petitioner only on the ground of registration of the said FIR. The Impugned Order, therefore, cannot be sustained and is accordingly set aside.

11. In view of the above, the petition is disposed of by directing the respondent nos.1 and 2 to release the retiral benefits of the petitioner along with interest @ 6% per annum from 22.09.2017 till the date of payment, within a period of four weeks from today.

12. The parties shall bear their own costs.

NAVIN CHAWLA, J

MADHU JAIN, J

SEPTEMBER 16, 2025/sg/SJ