

Ex No. 690/18

04.09.2021

(Matter is taken up through physical hearing)

Present : Sh. D.P.S. Tomar and Sh. Anuj Tomar, ld. counsel
for DH a/w DH.
Sh. Kshitij Ahuja, ld. counsel for DDA a/w
Sh. Bijendra Kumar, Deputy Director,
Horticulture Division IX/3D.

This is the first date when this matter has been taken up through physical hearing in compliance of office order bearing no. 6736-6759/Judl/SHD/2021 dated 21.08.2021 issued by Ld. Principal District & Sessions Judge, Shahdara District.

Notice issued to Director, Department of Horticulture, DDA (South East) Vikas Minar as well as to DDO concerned received back served as per the report of Nazarat. Ld. counsel a/w Deputy Director, Horticulture Division is present in the court. Ld. counsel for DDA has undertaken to file memo of appearance / V/n on or before NDOH.

It has been submitted by ld. counsel for DDA assisted by Deputy Director that the VRS of JD has been approved and he shall retire on 30.09.2021. Further, it has been submitted that the retirement benefits which JD is due to receive from the department include leave encashment, GPA, Gratuity and Pension and the total amount is of Rs.14,44,960/- approximately.

Contd.,

At this stage, Ld. counsel for DH has submitted that the remaining decretal amount of Rs.10 lacs may be ordered to be attached from the aforesaid retirement benefits. However, ld. counsel for DDA has filed the reply on behalf of DDA in the box kept in the court room.

By way of the said reply, it has been stated on behalf of DDA that there are three more decrees of the court of Hon'ble Assistant Collector-I & II Co-Operative Societies Delhi, Govt NCT which have been received by the department for releasing the respective decretal amount mentioned in the said reply. Ld. counsel for DDA has requested that before passing any order, the aforesaid information may also be considered by this court in the interest of justice.

In view of the above, this court is of the opinion that till the time it is adjudicated by this court whether the whole of remaining amount payable by the JD to DH can be attached from his retirement benefits or not, DDA/Horticulture Department/concerned Officer of the said department is directed not to release any amount which the JD is due to receive as his retirement benefits to either the JD himself or to any other person.

Contd.,

It is clarified that this order shall have no bearing on the deduction of regular monthly installment as per order dated 12.02.2020 of this court and the said deduction can be done from the aforesaid retirement benefits in the present execution.

In the meantime, DH is directed to file relevant authority of law in support of his claim.

Put up for further proceedings/arguments on 12.11.2021. Copy of the order be given dasti to both the parties.

(Vineet Kumar)
Additional District Judge-01
SHD/KKD/Delhi/04.09.2021