



\$~7

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

+ **W.P.(C) 16872/2024**

**THE CHIEF SECRETARY GOVT OF NCT OF DELHI AND
ORS**

.....Petitioners

Through: Mrs. Avnish Ahlawat, Standing
Counsel with Mr. Nitesh Kumar Singh, Adv.

versus

MAHESH KUMAR SHARMARespondent

Through: Mr. B.S. Jariyal, Adv.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

% **23.01.2025**

CM APPL. 71455/2024 (Exemption)

1. Exemption allowed subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 16872/2024 & CM APPL. 71454/2024

3. Issue notice to show cause as to why rule *nisi* be not issued.
4. Notice is accepted on behalf of the respondent by Mr. B.S. Jariyal.



5. The limited issue in this case is whether Rule 39(3) of CCS (Leave) Rules, 1972, should apply in the case of an employee who was dismissed from service prior to superannuation.
6. As the issue is purely legal, exchange of pleadings is dispensed with.
7. List for disposal on 10 February 2025.
8. In the meanwhile, the operation of the impugned judgment shall remain stayed.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

JANUARY 23, 2025/AS

Click here to check corrigendum, if any