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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) No. 7885/2012

23rd July, 2013

SUNIR KHURANA

..... Petitioner

Through: Mr. M. Ravi, Mr. P.N.Swaminathan
and Mr. S. Arvinda, Advocates.

versus

M.M.T.C. LTD AND ORS

..... Respondents

Through: Mr. B.S.Rana, Adv. for R-1.
Mr. B.V.Niren, CGSC for R-2,4,5 and
6.
Mr. R.V.Sinha and Mr. Pradeep
Kumar Singh, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

1. In the present writ petition, petitioner seeks extension of tenure as a Director (Marketing) of respondent no.1/M.M.T.C. Ltd. There is no automatic right of appointment and the right is only of consideration of appointment in accordance with the relevant guidelines/circulars/notifications.

2. The case of the petitioner was that he was denied extension because of CVC advice which refers to the censure order against the petitioner. Today, however, the counsel for respondent no.2 has placed before me a letter dated 22.7.2013 issued by the Ministry of Commerce & Industry, Department of Commerce, alongwith which the order of the Disciplinary Authority dated 22.7.2013 is annexed, and which order states that the Disciplinary Authority has decided to drop the charge and to close the disciplinary proceedings against the petitioner- Sh. Sunir Khurana, Director (Marketing) (now Ex-Director) of respondent no.1/MMTC Ltd.

3. In view of the above, since the petitioner was not considered for extension of tenure on the ground that there was an order of the Disciplinary Authority against the petitioner, and today however, the decision is that the disciplinary proceedings have been dropped, petitioner will be entitled to be considered as Director (Marketing), of course, in accordance with the applicable guidelines/circulars/notifications, and also keeping in mind that it is employer's decision finally to decide as to whether or not to give extension of tenure. I clarify that I am not exercising any power of directing appointment and which power only vests with the Cabinet Committee of Appointments.

4. In view of the above, the writ petition is disposed of with the direction that the appropriate authorities will now act pursuant to the order of the Disciplinary Authority dated 22.7.2013 whereby the charge against the petitioner is dropped. Petitioner will now make a detailed representation to the appropriate authorities within a period of two weeks from today. On such representation being made, the appropriate authorities will thereafter within a period of two months, take appropriate decision as to whether or not the petitioner's tenure has or has not to be extended. Parties are left to bear their own costs. All pending applications stand disposed of.

JULY 23, 2013
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VALMIKI J. MEHTA, J.