HC-KAR

NC: 2026:KHC:16854-DB
RP No. 869 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

REVIEW PETITION NO. 869 OF 2022

BETWEEN:

1. THE GENERAL MANAGER (H)
   HELICOPTER DIVISION
   HINDUSTAN AERONAUTICS LIMITED
   VIMANAPURA POST
   BENGALURU-560017.

2. THE MANAGING DIRECTOR
   DESIGN COMPLEX
   HINDUSTAN AERONAUTICS LIMITED
   VIMANAPURA POST
   BENGALURU-560017.

...PETITIONERS

(BY SRI. PRADYUMNA L. NARASIMHA, ADVOCATE)

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

AND:

SHRI MADHAVENDRA SINGH
S/O SHRI RAGHAVENDRA SINGH
AGED ABOUT 63 YEARS
RESIDING AT: FLAT NO.9,
GURUSIDHI APARTMENT
GANGAPUR ROAD, MAHARASHTRA

...RESPONDENT

(BY SRI. L. MURALIDHAR PESHWA, ADVOCATE)

THIS REVIEW PETITION IS FILED UNDER SECTION 114 READ WITH ORDER XLVII RULE 1 OF CPC, 1908 AND ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO ALLOW THE PRESENT PETITION FILED BY THE PETITIONERS AND PASS AN ORDER FOR REVIEW OF THE IMPUGNED JUDGMENT DATED 14 JUNE 2022 PASSED BY THIS HON'BLE COURT IN WRIT APPEAL NO.5678/2017 AND ETC.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

This review petition filed by the employer seeking review of the judgment and order dated 14.06.2022 passed in Writ Appeal No.5678/2019 in Writ Petition No.5373/2010. It appears that the appellant/respondent herein was posted as the Deputy Manager in MIG Complex of Hindustan Aeronautics Limited at Nasik. He was transferred by an order dated 30.04.2001 and was relieved of his duties at Nasik. The respondent sought leave for the month of May, 2001 on medical grounds. He

sought extension of leave for another month. However, his application was rejected and the period of absence was treated to be unauthorised.

2. A departmental enquiry was initiated against the respondent and he was served with charge sheet. A penalty of dismissal from service was imposed pursuant to an enquiry conducted ex-*parte*. The order was assailed in a writ petition filed by the respondent which came to be allowed by a Bench of this Court on 13.06.2006 and the matter was remitted to the Enquiry Officer to conduct an enquiry afresh.

3. The Disciplinary Authority, by an order of 13.01.2009, found the charges to be proved and imposed the penalty of removal from services on the respondent. Being aggrieved, the respondent filed a departmental review petition which was dismissed.

4. The validity of the order dated 13.01.2009 was challenged in the writ petition and the learned Single

Judge modified the punishment of removal from service to compulsory retirement from service and directed the employer to settle the terminal and pensionary benefits to the respondent herein as if the respondent herein was compulsorily retired. The order of the learned Single Judge was challenged in the writ appeal mentioned aforesaid.

5. The Division Bench noted that the findings of the learned Single Judge in favour of the respondent were not under challenge. It was therefore held that after the learned Single Judge having held that the review petitioner having failed to adduce any evidence to prove the charges, could not have substituted the penalty of removal from service imposed on the respondent with that of compulsory retirement. It was held that the learned Single Judge was not justified in substituting the penalty imposed by the Disciplinary Authority with the penalty of compulsory retirement from the service without assigning any reasons.

6. Accordingly, the judgment dated 09.08.2017 passed by the learned Single Judge insofar as it inflicted the penalty of compulsory retirement on the respondent was set aside and it was held that the respondent is entitled to all consequential benefits.

7. We have heard the learned counsel for the parties.

8. The sole contention of learned counsel for the employer herein is that once the Division Bench had held that the penalty of compulsory retirement could not be imposed on the respondent, the order of removal from service imposed on the respondent stood revived. Therefore, there was no reason to hold that the respondent was entitled to all consequential benefits.

9. It is the case of the review petitioner herein that the penalty imposed by the Competent Departmental Authority of removal from service was made in terms of

Rule 6 of the HAL Conduct, Discipline and Appeal Rules, 1984, which reads as follows:

> *"**RULE-6***
>
> ***Punishments:***
>
> *The following punishments may for good and sufficient reasons be imposed on officers by the Competent Authorities empowered to impose such punishments under these rules:*
>
> ***(i) <u>Minor Penalties:</u>***
>
> *XXX*
>
> ***(ii) Major Penalties:***
>
> *XXX*
>
> *(i) Removal from service which shall not be a disqualification for future employment under the Government or a Corporation/ Company owned or controlled by the Government;"*

10. In our opinion, the direction regarding consequential benefits made by the Division Bench can

only mean that the respondent be paid all legitimate dues that he may be entitled to, if any, consequent to his removal from service under the service rules.

Subject to the aforesaid clarification, this review petition is ***disposed of***.

All pending IA's stand dismissed.

Sd/-
(JAYANT BANERJI)
JUDGE

Sd/-
(RAJESH RAI K)
JUDGE

CR
List No.: 1 Sl No.: 2