



HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Service Bench No. 484 of 2023

13 August, 2026

Pradeep Kumar Garg

--Petitioner

Versus

Union Of India and Others

--Respondents

Presence:

Ms. Menka Tripathi, learned counsel for petitioner.

Mr. Rajesh Sharma, learned C.G.S.C. for the Union of India/respondent No.1.

Mr. M.C. Pant, learned counsel for respondent Nos.2 to 5-IMPCL.

**Coram: Hon'ble Manoj Kumar Tiwari, J. (Oral)
Hon'ble Pankaj Purohit, J.**

Petitioner was employed as Chief Accounts Officer in Indian Medical Pharmaceutical Corporation Limited (IMPCL), Mohan District Almora. He was removed from service based on a charge, vide order dated 06.01.2018 passed by respondent No.3-Managing Director.

2. Petitioner filed an appeal against the punishment order. His appeal however was rejected on the ground of delay, vide order dated 09.03.2018. He challenged the order passed by Appellate Authority in a writ petition, which was disposed of with a direction to the Appellate Authority to decide the appeal filed by petitioner, on merits. Pursuant to that order, petitioner's appeal was reconsidered and has been rejected.

3. Petitioner has challenged the communication dated 14.03.2023 issued by Company Secretary, IMPCL, whereby, he was informed that his appeal has been dismissed.



4. Since, no reason was decipherable from the communication issued by Company Secretary to the petitioner, therefore, we called upon learned counsel appearing for IMPCL to place before us reasoned order passed by Appellate Authority/Board of Directors.

5. The decision taken by Board of Directors on petitioner's appeal is placed before us along with supplementary affidavit dated 07.07.2026 filed by Mr. Pani Ram Arya. Annexure No.1 to that affidavit is the decision of Board of Directors taken in its meeting held on 18.02.2023.

6. Learned counsel for petitioner submits that petitioner's appeal was not considered on merits and his appeal is dismissed again by holding that petitioner has not brought out any new information/fact requiring review of the earlier decision. Learned counsel submits that since departmental appeal filed by petitioner was earlier dismissed on question of delay only and Coordinate Bench directed the Competent Authority to consider and decide the appeal on merits, therefore, observation made by Board of Directors in its meeting held on 18.02.2023 is unsustainable.

7. We find substance in the said submission. Since, the departmental appeal filed by petitioner was never considered on merits, therefore, the observation made in the decision dated 18.02.2023 taken by Board of Directors reveals that petitioner's appeal was not considered on merits, this time also, even though, Coordinate Bench directed the Appellate Authority to decide the Appeal on merits. The decision taken by Board of Directors on 18.02.2023 therefore deserves to be set aside.



8. In view of above, writ petition is allowed. Decision taken by Board of Directors on 18.02.2023, dismissing the appeal of petitioner, is hereby set aside. The matter is remitted back to Appellate Authority, who shall decide petitioner's departmental appeal on merits after considering the grounds taken, and pass appropriate reasoned order within three months from the date of production of certified copy of this order.

9. Pending application(s), if any, also stands disposed of.

(Pankaj Purohit, J.)

(Manoj Kumar Tiwari, J.)

13.08.2026

PN/-

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