

\$~6

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

+ **W.P.(C) 7284/2017**

TELE TEJPAL

..... Petitioner

Through: None.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr.Prasanta Varma, Sr. Central Govt.
Counsel with Ms.Shalu, Advocate.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **14.11.2017**

1. The petitioner is aggrieved by the order dated 15.07.2015 passed by the disciplinary authority-respondent No.4-the Commandant, SSB. One of the grievances raised in the present petition is the non disposal by the respondent of an appeal filed by the petitioner against the aforesaid order.
2. On the last date of hearing, learned counsel for the respondents was directed to obtain instructions as to whether the appeal filed by the petitioner is pending or not and if the same has been disposed of, whether a copy of the appellate order was forwarded to the petitioner.
3. On the first call, proxy counsel had appeared for counsel for the petitioner and the matter was adjourned at the request of counsel for the respondents who had stated that an officer from the department is on the

way. On the second call, none was present on behalf of the petitioner. In the interest of justice, the matter was passed over. When the matter is taken up after pass over, yet again, none is present on behalf of the petitioner. Learned counsel for the respondent states that he has telephonically informed Mr.R.S. Kalkal, the learned counsel for the petitioner that the matter has been passed over, but the learned counsel has stated that he is out of town and requested his colleague to attend to the case.

4. Learned counsel for the respondents informs us that the appeal filed by the petitioner was disposed of by the appellate authority-respondent No.3 as long back as on 20.11.2015 and a copy of the said order was duly communicated to the petitioner. He hands over a copy of the order dated 20.11.2015 which is taken on record. By this order dated 20.11.2015, the appellate authority has rejected the petitioner's appeal challenging the penalty order dated 15.07.2015 passed by the Disciplinary Authority vide which he was discharged from service.

5. In view of the fact that the appellate authority has already disposed of the petitioner's appeal as long back as on 20.11.2015, we deem it appropriate to dispose of the present petition with liberty granted to the petitioner to file a fresh petition and take all the relevant grounds as may be available to him for assailing the impugned order dated 15.07.2015 passed by the disciplinary authority and the order dated 20.11.2015 passed by the appellate authority. To obviate any objection by the petitioner of non-supply of a copy of the order passed by the appellate authority, learned counsel for the respondents is directed to furnish a copy thereof to counsel for the

petitioner within two weeks.

4. The petition is disposed of in the above terms.

HIMA KOHLI, J

REKHA PALLI, J

NOVEMBER 14, 2017
gm