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

% ***Date of Order : February 21, 2018***

+ **W.P.(C) 1637/2018 & CM Nos.6715-18/2018**

T. D. SURESH BABU Petitioner
Through: Mr.Bharat Sangal, Ms.Vidushi Garg,
Ms.Anindita and Ms.Isha Gupta, Advocates

versus

M/S MMTC LTD. Respondent
Through: Mr.Akhil Sachar, Advocate and Ms.Smita,
Legal Manager

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Against imposition of minor penalty of withholding of one increment with cumulative effect in terms of Rule 23(b) of MMTC Employees Disciplinary and Conduct Rules, 1975, petitioner had preferred a statutory appeal (*Annexure P-30*) wherein it has been specifically asserted by petitioner that it was not his duty to supervise the securing movement of high value cargo by weighment and it was the job of the officers posted at Haldia and many officers working with petitioner were similarly accused but they have been exonerated by accepting the stand of MMTC that the working of supervisory and the staff function is decentralized. Appellate Authority vide order of 2nd January, 2018 (*Annexure P-1*) has rejected petitioner's appeal (*Annexure P-30*) without advertting to the afore-referred stand taken by petitioner in the appeal. Attention of this Court has been drawn to the *MMTC Ltd. Employees' Conduct, Discipline and Appeal Rules*,

1975 (*Annexure P-3*) to point out that remedy of review is available to petitioner as per Rule 34 thereof.

2. In the facts and circumstances of this case, it is deemed appropriate to dispose of this petition with permission to petitioner to seek review of the Appellate Order of 2nd January, 2018 (*Annexure P-1*) within a period of two weeks. If any such review petition is filed by petitioner, then it be duly considered by a speaking order in terms of Rule 34 of *MMTC Ltd. Employees' Conduct, Discipline and Appeal Rules, 1975* within a period of six weeks and the fate of the review be made known to petitioner within a week thereafter, so that petitioner may avail of the remedy as available in law, if need be.

3. With aforesaid directions, this petition and applications are disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

FEBRUARY 21, 2018

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