

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

Date of Order: March 21, 2018

+ **W.P.(C) 2749/2018 & CMs 11184-85/2018**

RAJESH KUMAR JHA Petitioner

Through: Mr. Tanmaya Mehta and Mr.
Anunaya Mehta, Advocates

versus

CENTRAL RAILSIDE WAREHOUSE COMPANY LIMITED

.....Respondent

Through: Mr. Gourab Banerji, Senior
Advocate with Mr. Ashish Tiwari, Mr. Sahil
Tagotra and Ms. Raka Chatterjee, Advocates

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Against penalty of 'removal from service', petitioner had preferred a statutory appeal (*Annexure P-11*), which is detailed one running into 28 pages.
2. Impugned order of 11th December, 2017 (*Annexure P-2*) rejects petitioner's appeal being devoid of merits by simply observing that miscellaneous contentions raised by petitioner pertaining to his eligibility, performance, allegations of bias, favouritism, etc., have been found to be vague, unclear and irrelevant to the charges framed against petitioner. Impugned order also takes note of the fact that the Recruitment Agency in

its affidavit filed in W.P. (C) 5479/2016 has stated that petitioner alongwith others is not found eligible in scrutiny at the time of recruitment.

3. Upon hearing and on perusal of impugned order, petitioner's appeal (*Annexure P-11*) and the material on record, I find that it would not be fair to label petitioner's appeal as vague and unclear nor can the contents of the appeal be said to be irrelevant to the charges framed against him. There appears to be no proper application of mind by appellate authority on petitioner's appeal (*Annexure P-11*). In the column of '*Qualification and Experience*' of the Advertisement (*Annexure P-12*), the pay-scales have been given and their equivalence is '*with Cost to Company (CTC) of ₹8 lacs per annum working in a reputed private organization*'. If experience in Government PSUs/Autonomous Bodies, etc. alone was to be considered, then what was the rationale to provide for equivalence in the qualification and experience viz-a-viz private sector. This aspect needs to be properly addressed by appellate authority while reconsidering impugned order. It would be in the fitness of things if a speaking and detailed order is passed on petitioner's appeal as petitioner in the appeal has relied upon *the CRWC (Conduct, Discipline and Appeal) Rules 2012*, which take into consideration the experience of candidates in the private sector as well.

4. In view of the aforesaid, this petition is disposed of with direction to Appellate Authority to reconsider impugned order on petitioner's appeal (*Annexure P-11*) by passing a speaking order within a period of twelve weeks and the fate of the reconsideration be made known to

petitioner within two weeks thereafter, so that petitioner may avail of the remedies as available in law, if need be. Needless to say, all the aspects raised in this appeal by petitioner have to be dealt with threadbare by Appellate Authority while reconsidering the impugned order. It is made clear that any observation made in this order shall not be construed as an expression on merits by either side.

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

(SUNIL GAUR)
JUDGE

MARCH 21, 2018

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