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

+ LPA 307/2016

PANKAJ SRIVASTAVA

..... Appellant

Through Mr. Colin Gosalves, Sr. Advocate with
Ms. Aditi Gupta, Advocate.

versus

TV18 BROADCAST LIMITED AND ANR

..... Respondents

Through Mr. Sumant, Advocate for R-1.
Mr. Rajesh Kumar & Mr. Sumit Rajput,
Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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04.10.2018

CM APPL 18442/2016 (delay in filing)

1. This application has been filed by the applicant/appellant seeking condonation of 150 days delay in filing the appeal.
2. The prayer made in this application is not opposed. Accordingly, the same is allowed. Delay of 150 days in filing the appeal is condoned.
3. The application stands disposed of.

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4. Following reliefs had been sought in writ petition being W.P. (C) 2897/2015 filed before the learned Single Judge :

“a. For a writ of mandamus or any other appropriate writ, order or direction to the respondent to adhere to the constitutional principle stated in Article 14 of the Constitution of India and maintain at all times fairness, non arbitrariness and non discrimination in the reportage of news and in the doing of programmes particularly in respect of political parties and social issues and to avoid at all times being partisan and one sided;

b. *For an order for the proper implementation of recommendations made by Telecom Regulatory Authority of India on the issues relating to Media Ownership.*

c. *For an order declaring the order of termination of services of the petitioner dated 21.1.15 as issued by the respondent as illegal and malafide and to set aside the said termination of services and direct the respondent to reinstate the petitioner with full back wages and continuity of services and all benefits;*

d. *For an order directing the respondent to produce the computer on which the petitioner was working before termination as stated in para 25 and to give the petitioner immediate access to the computer to retrieve the content relating to the petitioner i.e.*

- i. *copy of Email exchange to the superiors*
- ii. *Increment Letter given to the petitioner in June 2014*
- iii. *Research work and coverage of various stories*
- iv. *Personnel family photographs & etc. saved in the system.*

e. *For an interim order staying the termination of the service of the petitioner dated 21-1-2015.*

f. *For an interim order appointing a retired judge of this Hon'ble to conduct an enquiry as to the circumstances which caused employees mentioned in the petition to leave the channels of the respondent company namely CNN-IBN, IBN7, IBN Lokmat and others to determine whether the allegations contained in this petition are correct and also whether persons of impeccable credentials but having a liberal, social and political viewpoint were purged and if so whether freedom of speech and expression was critically affected after the takeover of the respondent company by Mukesh Ambani/ Reliance Industries; and to make a report to this Court within 8 weeks;*

g. *Pass an order or direction which this Hon'ble court may deem fit and proper in the circumstances of the case."*

5. The learned Single Judge has disposed of the writ petition on the ground

that the writ petition would not be maintainable as the primary relief prayed by the petitioner is setting aside the order of his termination.

6. Learned senior counsel, on instruction, submits that as far as the relief with regard to setting aside the order of termination is concerned, the appellant would seek such remedy, as available in accordance with law, including taking recourse to Section 14 of the Limitation Act, 1963. As far as prayers (a) and (b) are concerned, appellant would institute a Public Interest Litigation.
7. Accordingly, the LPA and CM APPL. 18444-18445/2016 are disposed of. In case, such remedy so claimed is available, it would be open for the appellant to seek such remedy in accordance with law.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

OCTOBER 04, 2018/ck/

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