

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: May 07, 2018
+ **WP (C) No. 4840/2018 & CM No. 18635/2018**
HIMANSHU KUMAR Petitioner
Through: Mr. Raj Singh Phogat, Advocate
versus

PRAGATI POWER CORPORATION LTD. Respondent
Through: None

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR
ORDER
(ORAL)

1. Vide Office Order of 20th February, 2018, petitioner's resignation as Finance Manager was accepted by respondent - Pragati Power Corporation Limited (hereinafter referred to as PPCL) and petitioner was relieved while declining his request for retention of lien. It is recorded in the aforesaid order that full and final settlement will be done in due course.

2. Learned counsel for petitioner submits that upon being relieved vide impugned order (Annexure P-1), petitioner had joined as AGM (Finance), in National Building Construction Corporation Ltd. (hereinafter referred to as NBCC) on 21st February, 2018 and vide letter of 16th April, 2018 (Annexure P-5) had sought to withdraw his resignation on the premise that post of Manager (Finance) in respondent has yet not been filled. So, vide Communication of 18th April, 2018, (Annexure P-6), petitioner had made a grievance to respondent that neither in PPCL nor in NBCC petitioner has been granted lien which is against fundamental Rules 13 and 14.

3. According to petitioner's counsel, refusal of lien to petitioner by respondent is wholly unjustified in light of Office Memorandum of 26th December, 2013 (Annexure P-7) as petitioner's resignation was a technical resignation. Learned counsel for petitioner submits that there is no response to petitioner's letters of 16th April, 2018 (Annexure P-5) and 18th April, 2018 (Annexure P-6).
4. Despite service of advance notice, none appears on behalf of respondent.
5. In the facts and circumstances of the case, it is deemed appropriate to dispose of this petition and the application with direction to the respondent to give a speaking response to petitioner's application (Annexure P-5 and P-6) within a period of four weeks and to intimate petitioner about the fate of these applications within a week thereafter, so that petitioner may avail of the remedy as available in law, if need be.
6. Respondent be apprised of this order forthwith, to ensure its compliance.
7. With the aforesaid directions, this petition and the application are accordingly disposed of.

Copy of this order be given *dasti* to petitioner's counsel.

(SUNIL GAUR)
JUDGE

MAY 07, 2018
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