

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: May 15, 2018
+ **WP (C) 5173/2018 & CM APPL. No. 20092/2018**
RAJIV AGARWALPetitioner
Through: Mr. Alok Tripathi, Advocate
versus
CENTRAL ELECTRONICS LTD.Respondent
Through: Nemo

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Impugned order of 17th April, 2018 (Annexure P-1) imposed penalty of dismissal from service upon petitioner who was AGM (SPV-Mktg.), Central Electronics Ltd.
2. Despite service of advance notice, there is no representation on behalf of the respondent.
3. At the outset, learned counsel for petitioner has drawn the attention of this Court to the Conduct, Discipline & Appeal Rules, 1976 of Central Electronics Limited, which provides for an appeal against the penalty inflicted upon an employee. Rule 40 thereof provides that against the penalty, appeal shall lie to the authority specified in the Schedule. The Schedule to the aforesaid Rules of 1976 provides that the Appellate Authority in case of petitioner would be the Board of Directors of respondent-Company.
4. Learned counsel for petitioner submits that the impugned order has been passed by Chairman and Managing Director of respondent-

Company who is heading the Board and one part- time Director is there in the Board and no one else.

5. Even if it is so, still, petitioner ought to avail of the remedy as provided in the aforesaid Rules. If the Disciplinary Authority i.e. Chairman and Managing Director of respondent – Company is heading the Board or is a member thereof, then he shall recuse and petitioner’s statutory appeal be heard by the Board minus Chairman cum Managing Director. It is made clear that if a part-time Director of the Board has to hear petitioner’s appeal, then it be heard expeditiously.

6. Learned counsel for petitioner submits that the statutory appeal would be filed within the period of limitation. If it is so done, then the said appeal be decided by way of a speaking order preferably within a period of six months from the date of the receipt of the order.

7. Respondent be apprised of this order forthwith, to ensure its compliance.

8. With the aforesaid directions, this petition and the application are accordingly disposed of.

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

(SUNIL GAUR)
JUDGE

MAY 15, 2018

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