

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

Date of Order: May 24, 2018

+ **W.P.(C) 5651/2018 & CM 22048/2018**

SH. RAVINDER YADAV Petitioner

Through: Ms. Mandavi Pandey and Mr.
Vikas Tripathi, Advocates

versus

UNION OF INDIA AND ORS.Respondents

Through: Mr. Ripu Daman Bhardwaj, CGSC
with Mr. T.P. Singh, Advocate for respondent
No.1

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

(ORAL)

1. Impugned order of 1st July, 2015 (*Annexure P-2*) inflicts penalty of 'removal from service' upon petitioner, who was working as Executive Operations at Mathura Installation in respondent-Corporation. The allegations against petitioner were of excess/over filling of the tanker in question for which he had no explanation to offer. Consequent upon the departmental inquiry, the Inquiry Officer had come to a conclusion that petitioner had allowed the driver of the tanker in question to purposely fill excess petroleum product (*which is highly inflammable and hazardous*) over and above the dip line for personal gains at the cost of corporation and in this manner, petitioner had put the safety of tank/lorry and its crew and Mathura Installation in danger as any mishap due to over filling of the hazardous petroleum product in the tank/lorry would have blemished

company's brand image. Terming the misconduct of petitioner as dishonest, malicious and with corrupt intent, penalty of '*removal from service*' has been inflicted upon petitioner, which is under challenge in this petition.

2. Despite service of advance notice, there is no Representation on behalf of contesting Respondent No. 2.

3. The departmental proceedings initiated against petitioner are under the *Bharat Petroleum Corporation Management Staff (Conduct, Discipline and Appeal) Rules, 1976*. As is evident from the aforesaid Rules, impugned order is appealable. Though this petition has been filed nearly after three years, but in the facts and circumstances of this case, it is deemed appropriate to permit petitioner to file an appeal against impugned order before the Appellate Authority within three weeks from today. If any such appeal is filed by petitioner, then it be considered by Appellate Authority on merits while not insisting upon the delay aspect. It is expected that the appeal so filed, shall be expeditiously considered and decided.

4. Second respondent be apprised of this order forthwith, to ensure its compliance.

5. With 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 24, 2018

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