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

+ W.P.(C) 7061/2018 and CM 26874/2018 (Stay)

ANJU BALA

..... Petitioner

Through Dr.Jose P. Verghese, Adv.

versus

GAIL (INDIA) LIMITED & ORS

..... Respondent

Through Mr.Sandeep Prabhakar and Mr.Amit
Kumar, Advs.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **30.07.2018**

The present writ petition has been filed by the petitioner under 226/227 of the Constitution of India with the prayer to issue a writ of certiorari quashing and setting aside the memorandum dated 02.08.2016, inquiry report dated 28.03.2017, order dated 31.05.2017 whereby the penalty of removal from service was imposed upon the petitioner; order dated 23.08.2017 whereby the appeal of the petitioner was rejected and the order dated 11.04.2018 whereby the review preferred by the petitioner was rejected. Further prayer has been made to issue a writ of mandamus directed the respondents to reinstate the petitioner with all consequential benefits.

Notice of the petition was issued to the respondents in the main petition. Counsel for the respondents appeared and matter was ordered to be fixed for today.

This Court is apparently of the view that a charge sheet dated 02.08.2016 was issued to the petitioner and ultimately she was removed from services vide order dated 31.05.2017 by giving her the benefit of PF, gratuity, etc. as per the relevant rules and since then she is out of employment. Thereafter, an appeal was filed by the petitioner which was decided against the petitioner on 23.08.2017 and ultimately the reviewing authority vide order dated 11.04.2018 dismissed the review petition.

The circumstances do not support the case of the petitioner as the termination has gone through various steps.

So far as the main petition is concerned, as discussed above, the petitioner is challenging the order of removal. Arguments advanced are that the order of removal is passed at the back of the petitioner and it is an *ex parte* order vide which the hardest punishment of removal from services has been imposed. The appellate authority was also not having sufficient material to consider the case of the petitioner and similar was the case of reviewing authority. Case of the petitioner is that she had to leave the country and absented from duty under compelling circumstances. She had applied for leave which she could not get and under the compelling circumstances, as her child was suffering from illness, she had to proceed out of India.

Thus, this Court is of the considered opinion that let the matter be remanded back to the reviewing authority which shall pass a fresh order by giving due opportunity to the petitioner to explain her case whether the absence was under compelling circumstances or it was wilful disobedience or deserve most hard punishment of removal.

The present petition may be treated as Review Petition before the reviewing authority who after giving opportunity to the petitioner on completion of hearing of the petitioner, shall pass order afresh within two months from the date of completion of hearing on the review petition.

It has been submitted by the counsel for the petitioner that he may be permitted to assist the petitioner while submitting her case to the reviewing authority. He may do so.

The present writ petition and pending application are disposed of accordingly.

P.S.TEJI, J

JULY 30, 2018

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