

\$~44

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

+ **LPA 126/2019**

F S CHAUHAN

..... Appellant

Through: In person.

versus

UNION OF INDIA & ORS

..... Respondents

Through: None.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

%

25.02.2019

CM APPLs. 8868/2019 & 8869/2019 (Exemption)

1. Exemption allowed, subject to all just exceptions.

LPA 126/2019

2. This is an appeal directed against the judgment dated 11th December 2018 passed by the learned Single Judge disposing of the Appellant's W.P.(C) 4673/2002 with certain directions.

3. The learned Single Judge has by the impugned judgment held that the dismissal of the Appellant from the services of the Respondent No. 1- National Thermal Power Corporation Ltd. (NTPC) was in violation of principles of natural justice. However, while moulding the relief, the learned Single Judge has in para 74 of the impugned order observed as under:

“74. The question now remains what relief the petitioner would be entitled to. I am conscious of the fact that the subject proceedings have been initiated on a very technical ground. Normally, in such circumstances, the matter should be remanded back to the Authorities to proceed in the enquiry from the stage where the infirmity has occurred but the enquiry report is of the 2001 and the order of dismissal is of the year 2002. Sixteen years have elapsed thereafter and the fact remains that the petitioner who has appeared in person, has enrolled himself as an Advocate and may have attained the age of superannuation as well. It would be too late in the day to remand the matter back to the respondents to proceed with the enquiry from the position where the infirmity has occurred. In the fitness of things, this Court is of the view; the petitioner shall not be entitled to any consequential benefits in the nature of back wages from the date of order of dismissal till the date he has attained the age of superannuation or has enrolled himself as an Advocate. The period of suspension shall also be treated as such but shall be entitled to all retiral benefits either on the date of superannuation or on the date when he ceases to be an employee on his being enrolled as an Advocate if he has enrolled before he had actually attained the age of superannuation. The retiral benefits shall be paid within a period of two months from the date of this order. If the same are released beyond the period of months, interest @ 9% shall accrue to the petitioner. The writ petition is disposed of. No costs.”

4. This Court at this juncture would like to notice that earlier the NTPC had filed LPA No. 60/2019 against the same impugned judgment and by a detailed order dated 30th January 2019, the said appeal was dismissed by this Court.

5. The Court has heard the Appellant who appears in person at some length. The Court is not persuaded that the impugned order calls for any

interference even at the instance of the Appellant.

6. The appeal is accordingly dismissed.

S.MURALIDHAR, J

SANJEEV NARULA, J

FEBRUARY 25, 2019/nk