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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 31.08.2020

LPA 228/2020, CM APPL. 20983/2020 (interim stay) & CM APPL. 20985/2020 (Additional documents)

VIKASH KUMAR

.....Appellant

versus

NTPC LIMITED & ORS.

.....Respondents

Advocates who appeared in this case:

For the Appellant : Appellant in person

For the Respondents : Mr. Tushar Mehta, Solicitor General with Mr. Aadarsh Tripathi, Mr. Anish Gupta and Mr. Nikhil Kandpal, Advocates

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE TALWANT SINGH

JUDGMENT

SIDDHARTH MRIDUL, J. (Open Court – Via Video Conferencing)

CM APPL.20984/2020 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

LPA 228/2020

1. The present Letters Patent Appeal under Clause 10 of the Letters Patent essentially assails the judgment and order dated 27.07.2020, passed by the learned Single Judge in W.P. (C) 4332/2020

titled as '*Vikash Kumar vs. NTPC Limited & Ors.*', whereby the said writ petition praying for quashing of the impugned memorandum (charge sheet) dated 04.05.2020 and subsequent order dated 21.05.2020 was rejected.

2. After lengthy arguments, Mr. Vikash Kumar, the appellant, who appears in person, limits the relief in the present appeal to a direction to the Enquiry Officer to conduct the subject enquiry by strictly observing the principles of natural justice.

3. In this behalf, we observe that, the learned Single Judge whilst dismissing the subject petition directed as follows:

- “9. Petitioner has raised certain objections to the vagueness of the charges and also sought to argue that the actions of Petitioner were in his capacity as Convener and as per Rules. It would be open to Petitioner to raise all these issues in his defence, during the course of enquiry. The contentions as well as objections raised by Petitioner to the charge sheet in the present petition are left open to be raised by Petitioner at the appropriate stage.
10. In so far as daily order sheets of the Inquiry Officer are concerned, same will be sent to Petitioner via email as soon as proceedings are over. It is open to Petitioner to take an objection, in case there is any discrepancy in the order sheet as far as recording of his submissions/arguments is concerned.”

4. In view of the foregoing, whilst directing the Enquiry Officer to comply with the directions contained in the above extracted paragraph No.10 scrupulously, we also direct the disciplinary proceedings be continued after strictly observing the principles of natural justice, in accordance with law.

5. No further directions are called for.

6. With the above direction, the present Letters Patent Appeal is disposed of. Pending applications also stand disposed of.

7. A copy of this judgment be provided electronically to learned counsel appearing on behalf of both the parties and be uploaded on the website of this Court forthwith.

SIDDHARTH MRIDUL
(JUDGE)

TALWANT SINGH
(JUDGE)

AUGUST 31, 2020
dn/as

[*Click here to check corrigendum, if any*](#)