

CWP-22704-2019 (O&M)

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112+233

CWP-22704-2019 (O&M)

Date of Decision: 01.08.2023

Dinesh Berry

...Petitioner

Versus

Bharat Petroleum Corporation Ltd. and Another ...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. A.K. Virdi, Advocate for the petitioner

Mr. Raman Sharma, Advocate for the respondents

JAGMOHAN BANSAL, J. (Oral)

CM-9901-CWP-2023

Application preferred by the applicant/petitioner for placing on record replication to written statement filed by the respondents is allowed. Replication is taken on record. Registry is directed to tag the same at appropriate place.

CM stands disposed of.

CWP-22704-2019

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 28.02.2019 (Annexure P-50) whereby Chairman & Managing Director exercising power of Reviewing Authority has dismissed review application of the petitioner against appellate order dated 19.04.2007.

2. Learned counsel for the petitioner *inter alia* contends that as per schedule of Disciplinary Authority/Appellate Authority/Reviewing

Authority, Reviewing Authority against order of Chairman & Managing Director is Board and in the present case, appellate order as well as order in review has been passed by the same authority i.e. Chairman & Managing Director.

3. On being confronted with aforesaid fact, Mr. Raman Sharma, learned counsel for the respondents expressed his inability to controvert the proposition of law that appellate authority and revisionary authority cannot be same.

4. Without commenting upon merits of the case and in view of aforesaid facts and circumstances, the impugned order dated 28.02.2019 (Annexure P-50) passed by Chairman & Managing Director is hereby set aside and the matter is remanded back to the Board to pass a fresh order in accordance with law. The Board shall pass a fresh order after granting an opportunity of hearing to the petitioner within three months from today.

(JAGMOHAN BANSAL)
JUDGE

01.08.2023
Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No