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

% *Date of Decision: 17th February, 2023*

+ **W.P.(C) 2104/2023**

RAMAKANT SHANDILYA

..... Petitioner

Through: Ms. Mandavi Pandey,
Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Ms. Sarika Singh, Senior Panel
Counsel with Ms. Priya Mishra, Government
Pleader for R-1.

Mr. Rishi K. Awasthi, Mr. Piyush Vatsa and
Ms. Zohra Bano, Advocates for R-2 to 5.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGEMENT

JYOTISINGH, J. (ORAL)

C.M. APPL. 7967/2023 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. Present writ petition has been filed by the Petitioner seeking the following reliefs:-

“(i) Pass an order directing the Respondents to pass appropriate speaking order by deciding the appeal of the Petitioner dated 12.08.2022 filed against the impugned order dated 15.07.2022.

(ii) To direct the Respondents to grant all the consequential and admissible service benefits to the Petitioner including the compensation for the loss occurred due to the delay caused by the Respondents for deciding the appeal of the Petitioner.

(iii) To Award Cost in the favour of the Petitioner and against the Respondents.”

4. Issue notice.
5. Ms. Sarika Singh, learned Senior Panel Counsel accepts notice on behalf of Respondent No.1.

6. Mr. Rishi K. Awasthi, learned counsel accepts notice on behalf of Respondents No.2 to 5.

7. Petitioner joined the services of Container Corporation of India Limited/Respondents No. 2 to 5 in March, 2002 as Senior Manager on deputation. In June 2006, the Petitioner was confirmed as a permanent employee and was working as Deputy General Manager (Engg.) at Nagpur when a charge sheet was issued against him on 16.03.2021. Pursuant to the charge sheet an enquiry was initiated which culminated into a penalty of removal from service on 15.07.2022. Against the penalty of removal, Petitioner filed an appeal before the Board of Directors, Container Corporation of India Limited i.e. the Appellate Authority on 12.08.2022, which is still pending.

8. The limited grievance of the Petitioner, at this stage, is that despite lapse of six months, the appeal has not been decided and the Petitioner is suffering on account of the penalty of removal from service as he is without a source of livelihood.

9. In view of the limited relief sought by the Petitioner, this Court deems it appropriate to dispose of the writ petition with a direction to the Appellate Authority to decide the appeal of the Petitioner dated 12.08.2022 as expeditiously as possible and not later than six weeks from today.

10. Needless to state that the appeal will be disposed of by a reasoned and speaking order, copy whereof shall be communicated to the Petitioner. In case of any surviving grievance, Petitioner is at liberty to take recourse to appropriate remedies available in law.

11. Writ petition is disposed of with the aforesaid directions.

JYOTI SINGH, J

Signature Not Verified **FEBRUARY 17, 2023/kks**

Signed By: KAMAL KUMAR W.P.(C) 2104/2023

Signing Date: 16.02.2023
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