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

+ W.P.(C) 3021/2024 and CM APPL. 12462/2024

NIRANKAR SAXENA

.....Petitioner

Through: Mr. Sridhar Potaraju, Senior
Advocate with Dr. M.K. Pandey, Advocate.

versus

FEDERATION OF INDIAN CHAMBERS OF COMMERCE AND
INDUSTRY & ANR.

.....Respondents

Through: Mr. Siddharth Dias, Advocate for
Respondent No.1.

Mr. J.K. Tripathi, Senior Panel Counsel for
Respondent No. 2.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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04.07.2024

1. Present writ petition has been filed on behalf of the Petitioner challenging the termination letter dated 31.08.2023 issued by Respondent No.1. Writ of Mandamus is sought for a direction to Respondent No.1 to reinstate the Petitioner with all consequential benefits.
2. Petitioner is an Engineer and is stated to have held several important assignments during his service tenure with Respondent No.1, after his appointment on 01.08.2003. As per the averments in the petition, Petitioner has received several accolades during his service and was promoted as Deputy Secretary General in 2017. Short of his termination on 31.08.2023, Petitioner had received a letter dated 17.02.2023, wherein the Institution recognized his performance and contribution to Federation of Indian Chambers of Commerce and Industry (FICCI) for the period 01.04.2021 to 31.03.2022. Several grounds have been urged laying a siege to the



termination order including the unceremonious manner by which the services of the Petitioner were terminated.

3. On 05.03.2024, when the writ petition was listed for admission, Court had posed a query to Mr. Sridhar Potaraju, learned Senior Counsel for the Petitioner on the maintainability of the writ petition against FICCI and submissions were made on this aspect by the respective parties. Learned Senior Counsel for the Petitioner had placed reliance on the judgment of the Supreme Court in ***Kausal Kishor v. State of Uttar Pradesh & Ors., (2023) 8 SCR 581*** in support of the proposition that FICCI would be amenable to writ jurisdiction, upon which Mr. Dias, learned counsel for Respondent No.1 had sought time to peruse the judgment and it is at this stage that the matter rests today.

4. After some hearing, learned Senior Counsel for the Petitioner submits, on instructions, that Petitioner had rendered 20 years of long, continuous, uninterrupted, unblemished and exemplary service with Respondent No.1, prior to the illegal termination and had he not been terminated, he would have superannuated with honour on 07.08.2024. It is further submitted that Petitioner had also filed an appeal before the Competent Authority for recall of the termination order bringing on record his achievements and pointing out the illegalities in the impugned termination order, however, the same was not entertained and by a legal notice sent on behalf of Respondent No.1, Petitioner was asked to desist from making further communications. Considering that the Petitioner had served the Institution for two decades, learned Senior Counsel states that at this stage, it would suffice if a direction is issued to Respondent No.1 to treat the present writ petition as a representation and examine the case of the Petitioner in light of the legal



issues raised, keeping in backdrop his long, dedicated and unblemished service.

5. Learned counsel for Respondent No.1 refutes the submissions on merits and defends the termination order apart from objecting to the maintainability of the petition. Insofar as the appeal is concerned, it is submitted that there is no provision under the Rules and Regulations of FICCI for filing of an appeal against a termination order and hence the same was rightly not entertained.

6. Having heard learned Senior Counsel for the Petitioner and learned counsel for Respondent No.1, present petition is disposed of with a direction to the Competent Authority of Respondent No.1 to treat this petition as a representation and examine the issues raised therein, both factual and legal. The decision shall be taken on the representation within a period of 04 weeks from today, after giving an opportunity of personal hearing to the Petitioner and needless to state that a reasoned and speaking order will be passed thereon, which shall be communicated to the Petitioner, who shall be at liberty to take recourse to legal remedies, in case of any surviving grievance. This exercise will be without prejudice to the rights and contentions of the respective parties.

7. It is made clear that this Court has not expressed any opinion on the merits of the case and/or on the amenability of FICCI to the writ jurisdiction under Article 226 of the Constitution of India.

8. Pending application also stands disposed of accordingly.

JYOTI SINGH, J

JULY 04, 2024/shivam