



\$~27

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 7669/2021

SH RAMESHWAR

..... Petitioner

Through: Mr. Sushant Kumar Bhaduri, Mr.
Prem Prakash, Ms. Snehalata Jha, Mr.
Abid Khan and Mr. Shruryangana
Bag, Advocates.

versus

CENTRAL WAREHOUSING CORPORATION & ORS.

..... Respondents

Through: Mr. K.K. Tyagi, Mr. Iftekhhar Ahmad
and Ms. Garima Tyagi, Advocates for
R-1

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

17.05.2024

%

(The proceeding has been conducted through Hybrid Mode)

1. After some arguments, Mr. Tyagi, learned counsel for respondent no.1 submits that since the Appellate Authority appears to have not given a hearing to the petitioner before passing its order dated 24.04.2019, this Court may remit the matter back to the Appellate Authority to consider the issue *de novo* from the stage when the matter was placed before the Appellate Authority.

2. Accordingly, applying the ratio of the Hon'ble Supreme Court in *Yoginath D. Bagde vs. State of Maharashtra and Another* reported in 1999 (7) SCC 739 as also *Punjab National Bank vs. Kunj Behari Mishra* reported in (1998) 7 SCC 84 wherein it was succinctly held that even *de hors* the rules and regulations, the charged employee is entitled to personal hearing at all stages of disciplinary proceedings



which would include the proceedings before the Appellate Authority as also the Reviewing Authority.

3. Keeping in view the aforesaid submission as also the judgments of the Hon'ble Supreme Court, this Court allows the writ petition to the extent of remitting the matter back to the Appellate Authority to reconsider *de novo* the appeal filed by the petitioner against the Disciplinary Authority's order dated 28.03.2019.

4. It goes without saying that the entitlements of the petitioner as on the date of passing of the Appellate Authority's order shall stand revived and the consequential financial benefits shall be remitted to him within a period of eight weeks from today.

5. The Appellate Authority shall provide a sufficient opportunity of hearing to the petitioner who may in case so desired file additional documents before the Appellate Authority in support of his contentions against the Disciplinary Authority's order dated 28.03.2019.

6. It goes without saying that the Appellate Authority shall pass a speaking order giving reasons. The said process may be completed within a period of eight weeks from today. The Appellate Authority shall also furnish a copy of its order/decision within one week of such decision to the petitioner. The petitioner is at liberty to challenge the said order, if so required.

7. The writ petition is disposed of in above terms.

TUSHAR RAO GEDELA, J

MAY 17, 2024/ns