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

+ **W.P.(C) 7632/2024 & CM APPL. 32573/2024 (Stay)**

DR. GURMUKH SINGH

..... Petitioner

Through: Mr. Paramjit Singh Patwalia, Sr.
Advocate (through VC) alongwith
Mr. Gauravjit Singh Patwalia, Mr.
Harkirat Singh and Ms. Lagan Kaur
Sidhu, Advocates.

versus

**BRIDGE AND ROOF COMPANY (INDIA) LIMITED, THROUGH
ITS MANAGING DIRECTOR & ORS.** Respondents

Through: Mr. Nishant Anand, Advocate
(through VC).
Mr. Shuvodeep Roy and Mr. Saurabh
Tripathi, Advocates for respondents.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

30.05.2024

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(The proceeding has been conducted through Hybrid Mode)

CM APPL. 31751/2024 (Exemption)

1. Exemption is allowed subject to all just exceptions.
2. Application is disposed of.

W.P.(C) 7632/2024 & CM APPL. 31750 (For interim orders)

3. This is a writ petition under Articles 226 and 227 of the Constitution of India, *inter-alia*, seeking following reliefs:

“A. Issue an appropriate writ, order or direction



including a writ in the nature of Certiorari quashing the impugned order dated 22.03.2021 whereby arbitrarily a major penalty has been imposed upon the petitioner by the disciplinary authority by dissenting with the inquiry report dated 24.02.2021 whereby the petitioner was exonerated of all the charges.

AND

B. Issue an appropriate writ, order or direction including a writ in the nature of Mandamus directing the respondent no.1 to provide a copy of the inquiry report dated 24.02.2021 submitted by the inquiry officer in pursuance to the chargesheet dated 04.01.2020.

AND/OR IN THE ALTERNATIVE

C. Issue an appropriate writ, order or direction including a writ in the nature of Mandamus directing the respondent no.1 to decide the appeal dated 12.04.2021 filed under Clause 37 of the Conduct, Discipline & Review Rules for Officers against the impugned order dated 22.03.2021.”

4. Mr. Patwalia, learned Senior Counsel appearing for the petitioner submits that in case, this Court is inclined to grant the prayer C, the petitioner would be satisfied with such direction, reserving his liberty to challenge the consequential order.

5. Issue notice.

6. Notice is accepted by Mr. Shuvodeep Roy, learned counsel appearing for the respondents.

7. Mr. Roy, learned counsel for the respondents, at the outset vehemently opposes the maintainability of the present writ petition on the ground of territorial jurisdiction. He submits that no part of the cause of action has arisen in this Court to confer exercise of jurisdiction under Article 226 of the Constitution of India. He submits



that even as per Clause (2) of the Article 226 of the Constitution of India, no cause of action even in part has arisen.

8. After hearing the parties, this Court is of the considered opinion that without prejudice to the rights and contentions of the respondents, on the issue of territorial jurisdiction of this Court, as decided by the judgment of the Supreme Court in **ONGC vs. Utpal Kumar Basu & Ors.** reported in (1994) 4 SCC 711, since the petitioner is only seeking innocuous prayer of limiting himself to the direction that the Review which was filed on 12.04.2021 under Clause 37 of the Conduct Disciplinary & Review Rules for the Officers of the respondents be disposed of in accordance with law in a time bound manner, this Court deems it fit to pass the following direction.

9. Accordingly, the Reviewing Officer of the respondents shall consider and dispose of the Review filed on 12.04.2021 at page 150 of the present writ petition, in accordance with the extant rules and regulations, after affording an opportunity of personal hearing to the petitioner in that regard. The date, time and venue of such hearing shall be communicated to the petitioner well in advance to the petitioner. The petitioner shall also be entitled to place on record additional documents in support of his defence.

10. The Competent Authority after hearing the petitioner pass a speaking and reasoned order.

11. Needless to state that the copy of the order be furnished to the petitioner within one week of such disposal.

12. The said disposal of the Review Petition be completed within a period of twelve weeks.



13. The aforesaid directions are without prejudice to the rights and contentions and objections raised by the counsel for the respondents on the issue of territorial jurisdiction, which shall be available to him at a later stage.

14. The petition is disposed of in the above terms with no order as to costs.

TUSHAR RAO GEDELA, J

MAY 30, 2024

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