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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12618/2024 and CM APPL. Nos. 52427/2024 and 52428/2024**

SANDEEP KUMARPetitioner
Through: **Mr. Durgesh Gupta, Advocate.**

versus

UNION OF INDIA AND OTHERSRespondent
Through: **Ms. Pratima N. Lakra, CGSC with Ms. Pinky Panwar, Government Pleader and Mr. Prakhar Vashisth and Mr. Chandan Prajapati, Advocates for Respondent No.1/UOI.**

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER
09.09.2024

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1. This writ petition has been preferred on behalf of the Petitioner seeking the following reliefs:

"i) Petition Under Article 226 Of The Constitution Of India For Issuance Of Writ Of Mandamus Challenging The Validity And Legality Of Order/S Dated 11.12.2023 Passed By Disciplinary Authority And Order Dated 25.5.2024 Dismissing/Termination The Services Of The Petitioner; On The Ground Of Being Ex-Facie Illegal, Arbitrary, Unreasonable And Therefore, Being Violative Of Article 14 And 19 (1) (G) Of The Constitution Of India

ii) Issuance Of Writ Of Mandamus Or Any Other Appropriate Writ/ Order Directing The Respondent No. 1 To Decide The Representation Of The Petitioner And To Direct The Respondents No. 2 To 3 To Recall The Order Of Dismissal Of Service Of The Petitioner And To Reinstate The Petitioner In Employment Of Respondent No. 2 And 3 With Full Back Wagesand

iii) Award costs in the favour of Petitioner and against the Respondent for having acted illegally, arbitrarily and with malice / bias in its overall conduct."



2. Petitioner joined Respondent No. 2/Hindustan Petroleum Corporation Limited (HPCL) in 1996 as a Senior Mobile Operator and continued to work there till he was dismissed from service vide order dated 11.12.2023 pursuant to a disciplinary inquiry initiated by a charge sheet dated 01.06.2021. Petitioner filed an appeal against the dismissal order, which was dismissed by the Appellate Authority by an order dated 25.05.2024 against which the Petitioner preferred a representation to Respondent No. 1 on 14.08.2024 being the Nodal Ministry of Respondent No. 2.

3. Learned counsel for the Petitioner fairly submits that *albeit* there is no provision for making a representation to Respondent No. 1 under the applicable Rules, however, being the Nodal Ministry Petitioner has represented against his dismissal order which is unfair and unjust and has taken away the only source of livelihood of the Petitioner despite having served dedicatedly for over two decades with Respondent No. 2. In these circumstances, learned counsel submits that Petitioner would be satisfied at this stage if a direction is issued to Respondent No. 1 to decide the representation after looking into the alleged illegalities in the disciplinary proceeding and the dismissal order.

4. Issue notice.

5. Ms. Pratima N. Lakra, learned CGSC accepts notice on behalf of Respondent No.1 and submits that she has not received a copy of the writ petition.

6. Let another copy of the representation be handed over to learned CGSC for Respondent No.1 by counsel for Petitioner during the course of the day.

7. In view of the limited submission made by counsel for the Petitioner



and without entering into merits of the case, at this stage, this writ petition is disposed of with a direction to Respondent No.1 to decide the representation dated 12.08.2024 within a period of 6 weeks from the date of receipt of this order. The decision shall be communicated to the Petitioner within one week of the decision and Petitioner will be at liberty to take recourse to appropriate remedies, in accordance with law. Pending applications also stand disposed of.

JYOTI SINGH, J

SEPTEMBER 9, 2024

B.S. Rohella/shivam