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

+ **W.P.(C) 15642/2024 and CM APPL. 65603/2024**

ABHISHEK SHRIVASTAVA

.....Petitioner

Through: Mr. Abhishek Singh and Mr. Karan Chaudhary, Advocates.

versus

INDIA POST PAYMENT BANK

.....Respondent

Through: Mr. Rajesh Kumar Gautam, Mr. Anant Gautam, Ms. Likivi K Jakhalu, Mr. Dinesh Sharma, and Mr. Kushagra Nilesh Sahay, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER
11.11.2024

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1. This writ petition has been preferred on behalf of the Petitioner under Articles 226/227 of the Constitution of India seeking multiple reliefs *inter alia* challenge to the major penalty of removal from service as also seeking updated pay slips for several months and revised remuneration payable to MMGS-II officials of India Post Payments Bank and other PSU Banks pursuant to implementation of 11th and 12th Bipartite Settlements w.e.f. 01.11.2017 and 01.11.2022. Challenge is also laid to non-grant of increments, Charge Allowance and APARs for the years 2019-20, 2020-21 and 2021-22.
2. Issue notice.
3. Mr. Gautam accepts notice on behalf of the Respondent.



4. Mr. Gautam takes an objection to the maintainability of this writ petition on several grounds. It is urged that Petitioner has not exhausted the remedy of statutory appeal against the major penalty imposed on him and the writ petition is, thus, premature. As for other reliefs, it is submitted that there is a misjoinder of causes of action since unrelated reliefs have been claimed. While denying the liability of the Respondent to pay the remuneration/allowances claimed and also denying that the APARs in question deserve to be upgraded, it is submitted that Petitioner has rushed to this Court without ventilating his grievances before the Competent Authority.

5. There is merit in the submission of Mr. Gautam that Petitioner has not exhausted the remedy of appeal provided under Rule 16.1 of Conduct, Discipline and Appeal Rules against the major penalty of removal from service and the writ petition is premature. Accordingly, without entering into the merits of the case, this writ petition is disposed of with liberty to the Petitioner to take recourse to the remedy of appeal against the major penalty, if so advised. Rule 16.2 provides a period of 45 days for preferring an appeal from the date of receipt of the order appealed against. In case the Petitioner prefers an appeal, the Appellate Authority may consider condoning the delay in light of the fact that Petitioner has taken recourse to the writ remedy under a *bona fide* impression that this was the correct remedy at this stage.

6. Insofar as the other reliefs are concerned, Respondent is directed to treat this writ petition as a representation and look into the grievances flagged by the Petitioner and pass a reasoned and speaking order within a period of eight weeks from today, in accordance with law. The speaking order shall be communicated to the Petitioner within one week from the date



of the decision and Petitioner shall be at liberty to take recourse to legal remedies, in case of any surviving grievances.

7. Pending application also stands disposed of.

NOVEMBER 11, 2024/shivam

JYOTI SINGH, J