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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5727/2017**
DHARMENDRA GOYALPetitioner
Through: Mr. Sudhir Sharma, Advocate.

versus

CHAIRMAN DELHI PUBLIC SCHOOL AND ANR.....Respondents
Through: Mr. Shoumendu Mukherjee,
Ms.Megha Sharma and Ms. Shambhavi Pandey,
Advocates for Respondents/DPS.

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+ **W.P.(C) 5733/2017**
RAJEEV KUMAR GARGPetitioner
Through: Mr. Sudhir Sharma, Advocate.

versus

CHAIRMAN DELHI PUBLIC SCHOOL AND ANR.....Respondents
Through: Mr. Shoumendu Mukherjee,
Ms.Megha Sharma and Ms. Shambhavi Pandey,
Advocates.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER
03.10.2024

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1. W.P.(C) 5727/2017 has been preferred on behalf of the Petitioner/
Dharmendra Goyal under Article 226 of the Constitution of India seeking
the following reliefs:

*“(a) Pass a writ, order or direction in the nature of declaration declaring
the action of the Respondent No.1 in terminating the services of the
Petitioner was arbitrary and against the principles of natural justice since
no Inquiry was held to come to such a conclusion;*



(b) Pass a writ, order or direction in the nature of certiorari declaring the Show Cause Notice dated 19/05/2017 as illegal and consequently quashing the same;

(a) Pass a writ, order or direction in the nature of mandamus directing the Respondents to disburse all the consequential dues of the Petitioner due to his illegal termination including his terminal dues like leave encashment. Gratuity etc.;"

2. W.P.(C) 5733/2017 has been preferred on behalf of the Petitioner/ Rajeew Kumar Garg under Article 226 of the Constitution of India seeking the following reliefs:

"(a) Pass a writ, order or direction in the nature of declaration declaring the action of the Respondent No. 1 in terminating the services of the Petitioner was arbitrary and against the principles of natural justice since no Inquiry was held to come to such a conclusion and the Petitioner had withdrawn his forced resignation dated 9th May 2017 on the same day itself;

(b) Pass a writ, order or direction in the nature of mandamus directing the Respondents to re-instate the Petitioner

OR IN THE ALTERNATIVE

(c) disburse all the dues of the Petitioner including all consequential benefits due to him for his illegal termination and his other terminal dues like leave encashment. Gratuity etc. be released;"

3. From a plain reading of both the writ petitions, this Court is unable to discern the termination orders allegedly impugned by the Petitioners as no termination orders are appended to the writ petitions. On a repeated query to the counsel for the Petitioners, he is unable to assist when the termination orders were passed and if so, why the copies of the said orders have not been filed and continues to assert that termination was oral. In the absence of termination orders being passed against the Petitioners, no relief can be granted for declaring the termination of services of the Petitioners as arbitrary or against the principles of natural justice and/or the consequential relief of terminal dues etc.



4. Accordingly, these writ petitions are dismissed. Liberty is however given to the Petitioners to assail the termination orders, if there are any and/or if any subsequent orders are passed, in accordance with law.

5. The writ petitions are accordingly dismissed. It is left open to the Petitioners to take appropriate remedies in case they have any other surviving grievance in accordance with law.

JYOTI SINGH, J

OCTOBER 03, 2024

B.S. Rohella/shivam