



\$~9

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

+ **W.P.(C) 6296/2019 and CM APPL. 26907/2019**

PRAMOD

.....Petitioner

Through: Mr. T.R. Mohanty, Ms. Yogita Sharma, Mr. Naveen Vashist, Mr. Tarunveer and Mr. Vishal Sharma, Advocates.

versus

**CEMENT CORPORATION OF
INDIA LIMITED AND ANR.**

.....Respondents

Through: Mr. Arun Birbal, Advocate for R-1.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **21.07.2025**

1. The writ petition is directed against certain orders issued by the inquiry officer in disciplinary proceedings against the petitioner.
2. This is the second round of litigation in respect of chargesheets dated 26.11.1996 and 10.02.1997 issued to the petitioner.
3. The proceedings were first concluded by an order of dismissal dated 29.07.1997, against which the petitioner approached this Court in W.P.(C) No. 2598/2003, which was disposed of on 10.07.2018, with the following directions:-¹

"52. Consequent upon the above observations and findings, the present writ petition is disposed of in the following terms:

(i) The impugned order, dated 29th July, 1997, removing the petitioner from service, is quashed and set aside.

¹ The paragraph numbering in the original judgment is incorrectly set out as 51, 50, 51, 52. In the following reproduction, the numbering has been corrected to reflect the proper sequence as 51, 52, 53, 54.



(ii) *The proceedings are remanded to the I/O (who would, needless to say, have to be appointed afresh), for reconsideration, keeping in view the observations and findings returned hereinabove.*

(iii) *In view of the law laid down in Managing Director, E.C.I.L. vs. B. Karunakar, (1993) 4 SCC 121, the petitioner shall be treated as on suspension from the date of passing of the impugned order, i.e. 29th July, 1997. He shall, consequently, be entitled to subsistence allowance including arrears thereof, in accordance with law, from the said date. The said amount shall be disbursed to the petitioner within 4 weeks from the date of receipt, by the respondent of a certified copy of this judgement.*

(iv) *The issue of back-wages, if any, to be paid to the petitioner, would be considered consequent on the de novo decision of the disciplinary authority.*

53. *In order to avoid any delay, it is made clear that the petitioner would be at liberty, if he so desires, to engage the services of a defence assistant, but would not be entitled to any TA/DA in that regard.*

54. *Needless to state, if the petitioner is aggrieved by any penalty which may be imposed by the respondent, his rights to avail appropriate remedies, in that regard, would stand reserved.*

55. *Before parting, it is once again reiterated that this judgement adjudicates only on the legality of the order dated 29th July, 1997, and does not consider, directly or indirectly, the justifiability of the absence, from duty, of petitioner after 26th November, 1996, and is not to be read as any expression of opinion in that regard. Any action, if lawfully taken by, or available to, the respondent, against the petitioner, for the said period of absence, would not be affected, in any way, by this judgement.”*

4. The said judgment was challenged before the Division Bench in LPA No. 609/2018, which was dismissed by order dated 30.10.2018, upholding the judgment of the learned Single Judge.

5. The grievances of the petitioner in this writ petition are that an inquiry officer appointed had retired and was serving in the respondent-Corporation on contract, and that the petitioner was not permitted the assistance of a retired officer as his defence assistant.

6. Upon hearing learned counsel for the parties, it appears that both these questions are now moot. I am informed that the inquiry officer has since completed his contractual service, and the proposed defence



assistant is also no longer in a position to act as a defence assistant.

7. Having regard to the above, the writ petition is disposed of, with the direction that the respondent will appoint a new inquiry officer within a period of four weeks from today, and the petitioner will also nominate a new defence assistant as soon as the inquiry proceedings resume.

8. It is made clear that the rights and contentions of the parties with regard to the applicable rules have not been adjudicated by this Court. All rights and contentions remain open to be agitated at the appropriate stage.

9. Having regard to the long pendency of these proceedings, it is expected that both parties will now endeavour to conclude the inquiry expeditiously, in accordance with the disciplinary rules of the respondent.

10. The pending application also stands disposed of.

PRATEEK JALAN, J

JULY 21, 2025

UK/AD/