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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 8761/2019

RAMESH KUMAR

.....Petitioner

Through: Mr. Amitesh Kumar, Ms. Priti Kumari, Advocates.

versus

BSES YAMUNA POWER LTD. AND ANR.Respondents

Through: Mr. Sandeep Prabhakar, Sr. Advocate with Mr. Vikas Mehta, Advocate for R-1.

Mrs. Avnish Ahlawat, SC for GNCTD with Mr. N.K. Singh, Ms. Laavanya Kaushik, Ms. Aliza Alam, Mr. Mohnish Sehrawat, Mr. Amitaj Chadha, Advocates for R-2. Ms. Manika Tripathy, Mr. Gautam Yadav and Mr. Sanjay Singh Rathore, Advocates for DDA.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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17.01.2025

1. In furtherance to the order dated 10.01.2025, BSES – Yamuna Power Ltd [“BSES”] has filed an affidavit dated 13.01.2025, in which it is stated that Mr. Kailash Nath and Mr. Satish Kumar Bhalla retired upon attaining the age of superannuation, on 13.06.2001 and 31.07.2012 respectively.
2. It is stated that penalty orders were passed against them by the respondent on 27.05.2014, after disposal of their appeals against

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conviction by this Court on 10.01.2014. As the said two employees had already retired, the punishment imposed upon them was by way of reduction in pension, whereas the petitioner was still in service, and was, therefore, removed by the order of the respondents dated 17.07.2014, reiterated by the impugned order dated 04.07.2017.

3. As far as Mr. Satish Kumar Bhalla is concerned, this Court has already noted the submission of BSES in the order dated 13.12.2019 to the effect that remedy of removal could not be imposed as he had superannuated by the time action came to be taken against him.

4. In the present writ petition, the petitioner's case at the highest is that the punishment imposed upon him should be reduced in parity with the cases of Mr. Satish Kumar Bhalla and Mr. Kailash Nath. It is clear from the contents of the additional affidavit, that the case of the petitioner is not identical to the cases of the said two persons, as they had already retired from the service, and the penalty of removal was not available, so far as they are concerned.

5. Mr. Amitesh Kumar, learned counsel for the petitioner, contends that since Mr. Satish Kumar Bhalla was still in service when the order of conviction was passed on 28.02.2011, he ought to have been removed from service during the pendency of the appeal filed by him before this Court. However, such a submission does not find place in the writ petition, and the person concerned has not even been made a party to the writ petition. To the contrary, the relief sought by the by the petitioner is that the punishment imposed upon him be reduced, so that he is treated at par with Mr. Satish Kumar Bhalla and Mr. Kailash Nath. This relief, for the reasons aforesaid, is unmerited.



6. The writ petition is, therefore, dismissed.

PRATEEK JALAN, J

JANUARY 17, 2025

VLD/kb/