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

+ **W.P.(C) 7809/2025 & CM APPL. 34457/2025**

ATUL MOHAN

.....Petitioner

Through: Mr. Surender Kr. Maurya,
Advocate

versus

PUNJAB NATIONAL BANK & ORS.

.....Respondents

Through: Mr. Rajesh Kumar Gautam, Mr.
Anant Gautam, Mr. Dinesh
Sharma, Ms, Likivi K. Jakhalu &
Mr. Mr. Dipanjal Choudhary,
Advocates for R-1.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **29.05.2025**

1. Issue notice. Mr. Mr. Rajesh Kumar Gautam, learned counsel, accepts notice on behalf of Punjab National Bank ["Bank"].
2. The petition concerns a challenge to an order of dismissal from the service of the Bank dated 11.12.2023, which has been affirmed by the Appellate Authority on 25.10.2024, and by the reviewing authority on 04.04.2025.
3. The dismissal was on the ground of unauthorised absence of the petitioner from his duties from 13.01.2020 till the date of the removal order. The petitioner has placed on record certain medical documents to show that he was suffering from acute mental illness during this period, occasioned by the unfortunate demise of his daughter in infancy. The petitioner was able to file an appeal only after a delay, due to the said circumstances. The Bank has calculated the period of delay at 53 days.



The Appellate Authority rejected the petitioner's application for condonation of delay, in which the petitioner had cited his medical grounds, and therefore dismissed the appeal without consideration on merits.

4. The dismissal of the appeal on this ground, when the delay in filing of the appeal was only of 53 days, does not appear to me to be justified in the face of the medical documents produced by the petitioner. I am of the view that the matter of condonation of delay ought to have been considered more liberally in all the facts and circumstances of the case, particularly when the petitioner has suffered a severe penalty of removal from service. The disciplinary proceedings were also held *ex-parte*, as the petitioner did not respond to the notice of the Inquiry Authority or the Disciplinary Authority.

5. In these circumstances, the delay in filing of the appeal ought to have been condoned and the appeal heard on merits.

6. The orders of the Appellate Authority and Reviewing Authority are therefore set aside, and the matter is remanded to the Appellate Authority for consideration of the petitioner's appeal on merits with regard to the validity of the dismissal order. The Appellate Authority is directed to decide the appeal within a period of four months.

7. It is made clear that the Court has not considered the petitioner's case on merits. All rights and contention of the parties are left open.

8. The petition, alongwith pending application, is disposed of.

PRATEEK JALAN, J

MAY 29, 2025/'pv'/kb/