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

+ W.P.(C) 8533/2024
BALBIR SINGH

.....Petitioner

Through: Mr. Adit S. Pujari and Mr.
Chaitanya Sundriyal, Advocates.

versus

BSES YAMUNA POWER LTD

.....Respondent

Through: Mr. Sandeep Prabhakar, Senior
Advocate with Mr. Vikas Mehta,
Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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07.05.2025

CM APPL. 27454/2025 (for exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 8533/2024 and CM APPL. 27453/2025 (stay)

3. The petitioner is an employee of the respondent—BSES Yamuna Power Ltd [“Company”]. He has filed the captioned writ petition seeking a direction upon the respondent-Company to furnish information and documents regarding delegation of Disciplinary and Appellate Authority from the Board of Directors of the respondent to its Chief Executive Officer [“CEO”], and further from the CEO to the individuals who have exercised such powers against the petitioner.
4. Factually, the disciplinary proceedings have been commenced against the petitioner, by a chargesheet dated 01.03.2023 issued by the Additional Vice President (Human Resources [“HR”]).

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5. Although the petition is listed today on an application filed by the petitioner for stay of the disciplinary proceedings, the writ petition has been taken up for hearing with the consent of learned counsel for the parties.

6. Mr. Sandeep Prabhakar, learned Senior Counsel for the respondent-Company, has handed over the following documents in Court and furnished the same to Mr. Adit S. Pujari, learned counsel for the petitioner,s also: (a) an extract of the Minutes passed by the Board of Directors of the respondent-Company in their meeting dated 29.06.2021, by which power was delegated to the CEO of the respondent-Company in respect of HR matters, including removal of employees, with the authority to delegate the power further; (b) Office Order dated 17.11.2021 issued by the CEO in exercise of this power. The documents are taken on record.

7. The petitioner, admittedly, falls within the class of the Government Pay and Allowances [“GPA”] employees, to whom the said Office Order relates. The delegation of power contained therein provides for delegation of the powers of the Disciplinary Authority and the Appellate Authority to the Deputy General Manager [“DGM”](HR)/Senior DGM (HR) and Assistant Vice President [“VP”] (HR)/Additional VP (HR), respectively. The chargesheet has been issued by the Additional VP (HR), who is admittedly higher in rank than the Disciplinary Authorities.

8. As the documents have been disclosed to the petitioner, no further orders are required in the writ petition.

9. However, Mr. Pujari submits that the petitioner’s right to cross-examine the management witnesses has been closed at the hearing of



inquiry yesterday, while the application for stay was pending before this Court.

10. With the consent of Mr. Prabhakar, it is directed that the petitioner be given one further opportunity to appear before the Inquiry Officer. The date and place of the petitioner's appearance will be communicated to the petitioner as also to Mr. Chaitanya Sundriyal, learned counsel on record for the petitioner, on 24 hours' notice. It is further directed that if the petitioner seeks any further adjournment on the date fixed, his right to cross-examine the management witness will be closed, without further orders.

11. The writ petition stands disposed of with these directions.

PRATEEK JALAN, J

MAY 7, 2025

UK/JM/