



2025:DHC:10609-DB



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

Date of decision: 28.11.2025

+ W.P.(C) 17357/2024 & CM APPL. 73902/2024
EMPLOYEES STATE INSURANCE CORPORATION
THROUGH ITS DIRECTOR GENERALPetitioner
Through: Mr.Shlok Chandra, SC for
ESIC with Mr.Parikshit Singh
Bhati, Adv.

versus

SMT UMA AGGARWAL & ORS.Respondents
Through: R-1 in person

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed, challenging the Order dated 11.01.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, the 'Tribunal') in O.A. No. 378/2022, titled ***Smt. Uma Aggarwal v. Employees State Insurance Corporation Through the Director General & Ors.***, allowing the said O.A. filed by the respondent no.1 herein, in the following terms:

"24. Accordingly, the impugned penalty order dated 16.9.2021 (Annex.A/1) and impugned charge sheet dt.29.3.2011 in OA No.378/2022 and the impugned Charge sheet dt.4.12.2020 and order dated 19.7.2022



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(Annex.A/2) in OA no.2296/2022 are accordingly set aside. The applicants shall be entitled for consequential benefits in accordance with law. However, the respondents shall be at liberty to proceed, if they so decide, of course in accordance with relevant rules and law on the subject.”

2. This Court has already examined a similar challenge raised by the petitioner in W.P.(C) 3715/2025, titled ***Employees State Insurance Corporation, Through Its Director General v. Shyam Lal & Anr.***, and dismissed the said Writ Petition *vide* Order dated 09.10.2025.

3. The learned counsel for the petitioner, however, submits that there is a typographical error in Paragraph 5 of the Order dated 25.02.2025 passed by this Court, inasmuch as it records that both the institution of the departmental proceedings by the Charge Memo dated 29.03.2011 and the eventual Penalty Order dated 16.09.2021, were issued by the Regional Director. He submits that while the Charge Memo was indeed issued by the Regional Director, the Penalty Order was passed by the Chairman of the Standing Committee.

4. Recording the above statement of the learned counsel for the petitioner would be enough to correct the record. However, we are of the view that the above error in the Order will have no bearing on the final outcome of the Writ Petition, inasmuch as it is not disputed that although the Regional Director may be competent to institute disciplinary proceedings in respect of minor penalties and, may also institute proceedings for major penalties in terms of Regulation 13(2) of the ESIC (Staff and Conditions of Service) Regulations, 1959, at



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the same time, in terms of the Judgment of this Court in *All India Institute of Medical Sciences v. S. P. Vashisht*, 2023 SCC OnLine Del 3168, the permission of the Disciplinary Authority, competent to impose major penalty, had to be obtained before the issuance of the Charge Memo.

5. In *S. P. Vashisht* (supra), this Court opined that issuance of Charge Memo by an authority other than the Disciplinary Authority competent to impose the penalty, would destroy the protection guaranteed under Article 311(2) of the Constitution of India.

6. It not disputed that the permission of the Disciplinary Authority competent to issue the Charge Memo was not obtained by the petitioner in the present case.

7. In view of the above, we find no merit in the present petition.

8. Accordingly, the petition, along with the pending application is, dismissed.

NAVIN CHAWLA, J

MADHU JAIN, J

NOVEMBER 28, 2025/sg/Yg