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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 893/2025 & CM APPL. 4362/2025

UMESH KUMAR VERMA

.....Petitioner

Through: Dr. Shilpa Bagade & Dr. K.S. Bhati, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Subhash Tanwar, CGSC with Mr. Naveen & Ms. Bhavi Garg, Advocates for R-1/UOI.
Mr. Puneet Taneja, Senior Advocate with Mr. Adarsh Tripathi, Mr. Manmohan Singh Narula, Mr. Amit Yadav & Mr. Anil Kumar, Advocates for NTPC

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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21.04.2025

1. The petitioner has filed this petition under Article 226 of the Constitution, for the following reliefs:

- “a) A writ of certiorari calling for the records of the case for perusal;*
- b) A writ of certiorari quashing impugned order dated 22/12/2023 of the Reviewing Authority and order of the Appellate Authority vide dated 22/08/2023 which was passed against the penalty order 02/03/2022 whereby the Petitioner is subjected to arbitrary, discriminatory disproportionate punishment against the principles of natural justice, equity and good conscience;*
- c) A writ of mandamus for providing the Medical Facilities including Post-Retirement Medical Facilities under the Post-Retirement Medical Scheme;*



d) To pay the cost of this petition to the Petitioner;

e) Any other writ or orders as this Hon'ble Court may deem fit in the facts and circumstances of this case and in the interest of justice."

2. The petitioner was appointed to the post of Steno-Typist in respondent No. 2 – National Thermal Power Corporation Ltd. ["NTPC"]. One of the principal contentions of the petitioner is that he was appointed in the workmen category, whereas the disciplinary proceedings had been initiated and conducted under the NTPC (Conduct, Discipline, and Appeal) Rules, 1977 ["CDA Rules"], which are not applicable to workmen.

3. In the writ petition, there is a reference to proceeding before the Conciliation Officer/Assistant Labour Commissioner filed by NTPC Karmachari Sangh.

4. On 23.01.2025, the Court directed the petitioner to file an additional affidavit placing on record the orders passed by the Conciliation Officer/Assistant Labour Commissioner, as well as the present status of the CDA Rules.

5. Pursuant to the aforesaid order, the petitioner has filed an additional affidavit dated 03.02.2025, with regard to the aforesaid proceedings, and a reference to the Industrial Tribunal.

6. The proceedings before the Conciliation Officer held on 15.12.2022, records the presence of the petitioner herein, and also bears his signature. The Conciliation Officer, by an undated order [Annexure A-1 to the additional affidavit of the petitioner], has noticed that NTPC Karmachari Sangh made a representation dated 03.11.2021, followed up by raising an industrial dispute, which was admitted for joint discussion. The contention that the workmen of NTPC cannot be proceed against



under CDA Rules, was specifically referred to in the representation, citing the proceedings taken against the petitioner. The case of NTPC was that, under Clause 2.4 of the CDA Rules, the said Rules are applicable to all employees, who are not covered by the Standing Orders, and that the Industrial Employment (Standing Orders) Act, 1946, is not applicable to the concerned unit of NTPC. It is on this basis that two employees, including the petitioner herein, were charge-sheeted by NTPC under the CDA rules. The order of the Conciliation Officer notes that no amicable settlement could be brought about, and there was no consensus for reference to voluntary arbitration under Section 10 of the Industrial Disputes Act, 1947 [“the Act”], either.

7. After the failure of the conciliation proceedings, the Government of India issued an order dated 12.07.2023 under Sections 10(1)(d) and 10(2A) of the Act, referring the dispute for adjudication to the Central Government Industrial Tribunal-cum Labour Court [“CGIT”], on the following two questions: -

- “1. Whether action of the management of Faridabad Gas Power Station NTPC, Faridabad against the workers of FGPA under NTPC CDA Rules, 1977, as raised by NTPC Karamchari Sangh Faridabad vide letter dated 03.11.2021, is proper, legal and justified? If not, what reliefs as sought vide letter under reference are the disputant entitled to and what directions, if any, are necessary in this respect?”**
- 2. Whether action of the management of Faridabad Gas Power Station NTPC Faridabad in passing punishment order i.r.o Shri. Umesh Kumar Verma during the conciliation proceedings as raised by NTPC Karamchari Sangh Faridabad vide letter dated 03.11.2021, is proper, legal and justified? If not, what reliefs as sought vide letter under reference are the disputant entitled to and what directions, if any, are necessary in this respect?”**

[Emphasis supplied.]



8. It is evident from the above that the validity of the proceedings against the petitioner is the subject matter of proceedings before the CGIT. The very first issue referred to CGIT concerns the applicability of the CDA Rules to workers in the Faridabad Gas Power Station, which is one of the issues raised by the petitioner herein. The said issue has been raised in view of the disciplinary action taken against the petitioner himself, as well as one other similarly placed employee. The second question raised also refers to the action taken against the petitioner himself, including whether the action taken is proper, legal and justified.

9. In view of the above, I am of the view that questions raised in this writ petition overlap with the questions raised in the pending proceedings before the CGIT, which concerns the petitioner's own case.

10. The writ petition is therefore disposed of, reserving the rights and remedies of the petitioner against any adverse order passed by CGIT.

11. All pending applications also stand disposed of.

PRATEEK JALAN, J

APRIL 21, 2025

'pv/AD'/'