



\$~14 (03.03.2026)

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

+ **W.P.(C) 2714/2026 & CM APPL. 13208/2026**

RAJEEV KUMAR GARG

.....Petitioner

Through: Mr. Ramesh Chand, Mr. Chandan Prajapati, Mr. Prateek Garg, Mr. Vikrant Malwal, Mr. Mukul, Mr. Lakshay Kumar, Mr. Asif Ali, Mr. Manoj Kumar, Advocates.

versus

BSES RAJDHANI POWER LIMITED & ORS.Respondents

Through: Mr. Sandeep Prabhakar, Senior Advocate with Mr. Amit Kumar, Mr. Vikas Mehta, Advocates for R-1 & 2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

25.04.2026

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[As per Notification No. 64/G-4/GenI.-I/DHC dated 27th February, 2026, matters listed on 3rd March, 2026 (on account of "Holi"), are to be taken up on 25th April, 2026.]

1. The Petitioner was working as a Senior Manager with Delhi Electric Supply Undertaking,¹ which was subsequently restructured as the Delhi Vidyut Board.² Pursuant to a tripartite agreement executed in 2002, DVB was unbundled into successor entities, and the Petitioner was allocated to BSES Rajdhani Power Limited.

¹ "DESU"

² "DVB"



2. The grievance of the Petitioner arises from disciplinary proceedings initiated by way of a charge-sheet dated 31st May, 2011. These proceedings culminated in an order dated 09th January, 2013 passed by the Disciplinary Authority, imposing a major penalty of reduction by five stages in the time scale of pay for a period of five years. It was further directed that the Petitioner would not earn increments during the said period, and that the reduction would have the effect of postponing future increments.

3. Aggrieved by the aforesaid order, the Petitioner preferred a statutory appeal. The grievance urged in the present petition is that the statutory appeal has remained pending without adjudication, thereby defeating the efficacy of the remedy. In support thereof, reliance is placed on reminders, including one dated 15th September, 2025.

4. In view of the aforesaid contention, this Court had called upon the Respondents to place on record the status of the said appeal. It has now been brought to the notice of this Court that the Appellate Authority had, in fact, already adjudicated upon the appeal by order dated 09th April, 2013, whereby the same was dismissed, affirming the findings of the Inquiry Officer and the order of the Disciplinary Authority. A copy of the said order has been provided to counsel for the Petitioner.

5. At this stage, counsel for the Petitioner submits that the said order was never communicated to the Petitioner. Be that as it may, the foundational premise of the present writ petition, namely, that the statutory appeal has remained undecided, stands negated in view of the record produced by the Respondents.

6. Insofar as the challenge sought to be raised to the disciplinary proceedings and the alleged jurisdictional infirmities is concerned, this



Court is not inclined to examine the same in the present proceedings, which proceed on an incorrect factual premise.

7. It is, however, clarified that, in the event the Petitioner seeks to assail the order passed by the Appellate Authority, it shall be open to him to raise all grounds available in law, including those urged in the present petition.

8. It is further clarified that, in such eventuality, the Respondents shall be at liberty to raise all permissible objections, including those relating to delay and laches.

9. Accordingly, the present petition is disposed of along with pending application(s), if any, with liberty as aforesaid.

SANJEEV NARULA, J

APRIL 25, 2026/ab