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

+ **W.P.(C) 5739/2026, CM APPL. 28244-28246/2026**

PAWAN KUMAR

.....Petitioner

Through: Mr. Pankaj Sinha, Mr. Rahul Maurya,
Ms. Humaira Salam, Mr. Suil Tiwari
and Mr. Kulwinder Sehjal,
Advocates.

versus

BHARAT HEAVY ELECTRICALS LIMITED & ANR.

.....Respondents

Through: Mr. A.K. Roy, Advocate.
Mr. Piyush Gupta, CGSC with
Mr. Atishay Jain and Ms. Komal,
Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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28.04.2026

1. This writ petition is directed against charge memorandum dated 16th September, 2024, inquiry report dated 17th July, 2025, and relieving and penalty order dated 24th March, 2026, whereby the Petitioner has been removed from service.
2. Mr. Pankaj Sinha, counsel for the Petitioner, submits that subsequent to the filing of the present petition, the Petitioner has preferred an appeal under Rule 32 of the BHEL Conduct, Discipline and Appeal Rules, 1975¹ before the Appellate Authority. It is stated that the said appeal, filed on 24th

¹ "BHEL CDA Rules"



March, 2026, is presently pending. He further submits, on instructions, that the Petitioner shall be moving an application before the Appellate Authority seeking stay of the impugned termination order.

3. At the outset, Mr. A.K. Roy, counsel for the Respondent, raises an objection with regard to the territorial jurisdiction of this Court. Notwithstanding the objection, he submits that an appeal under the BHEL CDA Rules is ordinarily decided within the timelines prescribed under the applicable Rules and that the decision thereon shall be communicated to the Petitioner in accordance therewith.

4. In view of the aforesaid, and considering that the Petitioner has already availed the statutory remedy of appeal, which is presently pending, this Court is not inclined to entertain the present petition at this stage. The petition is accordingly disposed of, with liberty to the Petitioner to avail appropriate remedies in accordance with law, including approaching this Court, if the need so arises, after the decision in appeal.

5. It is clarified that this Court has not examined the merits of the case and all rights and contentions of the parties are left open. The present order shall not be construed as an expression of opinion on the merits of the dispute.

6. Further, in view of the disposal of the petition on the ground of availability of an alternate remedy, this Court has not adjudicated upon the objection regarding territorial jurisdiction raised by the Respondent. The statement made on behalf of the Petitioner regarding the proposed filing of an application seeking stay before the Appellate Authority is also not being commented upon.

7. Accordingly, the petition is disposed of along with pending



applications.

SANJEEV NARULA, J

APRIL 28, 2026

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