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

+ W.P.(C) 16806/2025, CM APPL. 69089/2025 & CM APPL. 69090/2025

SUDHIR KUMARPetitioner

Through: Mr. Vivek Malhotra, Advocate.

versus

GAIL INDIA LIMITED & ANR.Respondents

Through: Mr. Ankur Chhibber and Mr. Nikunj Arora, Advocates with Mr. Tushar Aggarwal, Law Officer.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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08.01.2026

1. This petition under Article 226 of the Constitution of India seeks, *inter alia*, regularisation and normalisation of the Petitioner's service and salary payments, as was earlier done after the enquiries conducted during the period 2003-2005, which are alleged to be illegal. The Petitioner also seeks all consequential benefits, and payment of compensation on account of alleged harassment and mental agony to the tune of INR 11,00,00,000/-.
2. On the previous date, the Petitioner was represented by counsel appointed through the Delhi High Court Legal Services Authority.¹ Mr. Vivek Malhotra who appears on behalf of DHSLSC counsel, requests for an adjournment as the arguing counsel is not available today. However, Mr. Sudhir Kumar, the Petitioner in person, states that he does not wish for the matter to be adjourned and requests the Court to hear him in person. In view of the above, Mr. Vivek Malhotra as well as DHSLSC counsel is discharged from representing the Petitioner.

¹ "DHCLSC"



3. The Petitioner asserts that he joined the respondent-organisation as a Graduate Engineer Trainee in the year 1990 and was subsequently promoted from time to time, eventually rising to the rank of Chief Manager. In May 2008, he was deputed on secondment to Central UP Gas Limited. He alleges that, in June-July 2009, his access to official systems was disabled and he was prevented from entering the office premises of the borrowing organisation, following which he was relieved w.e.f. 01st July, 2009 without being issued any formal order of termination, recall or posting. Despite repeated representations, his services were neither regularised nor was he permitted to rejoin duty, while certain salary-related payments and service records continued to reflect his association with the respondent-corporation.

4. It is urged that in the absence of any formal severance of the employer-employee relationship, the Petitioner continued to remain in service of the respondent organisation and the respondents themselves treated him as such by maintaining his service records, releasing certain salary-related payments and keeping his bank account mapped in their system. The denial of posting, salary and consequential service benefits constitutes a continuing wrong as repeated representations made over the years were neither decided nor rejected by a reasoned order. The impugned actions, being arbitrary and violative of Articles 14 and 21 of the Constitution, warrant interference in writ jurisdiction.

5. On the other hand, Mr. Ankur Chhibber, counsel for the respondents, at the outset clarifies that the Petitioner was promoted only up to the rank of Senior Manager and not Chief Manager, as claimed.

6. Mr. Chhibber submits that Petitioner has concealed material facts from this Court. The Petitioner was dismissed from service pursuant to disciplinary proceedings which culminated in an order dated 16th June, 2009, imposing the penalty of dismissal under Rule 28(g) of the GAIL Employees' (Conduct, Discipline and Appeal) Rules. It is also pointed out that the Petitioner had earlier been subjected to disciplinary action resulting in punishment order dated



16th May, 2005 which fact too has not been disclosed in the petition. Copies of the dismissal order dated 16th June, 2009 along with contemporaneous communications, including an internal email dated 17th June, 2009 and a letter dated 29th June, 2009 issued by the Managing Director of the borrowing organisation, are handed over across the board and taken on record. It is submitted that the said documents demonstrate that the dismissal order was duly communicated to the Petitioner and that he refused to acknowledge receipt thereof.

7. In response, the Petitioner contends that the departmental enquiries culminating in the proceedings of 2005 were motivated and pre-conceived. In support, he places reliance on Annexures D and E, which pertain to disciplinary proceedings concluded in the year 2005-2006, wherein although a penalty of censure was imposed, the period of suspension was subsequently ordered to be treated as “on duty” and consequential pay was re-worked. According to him, modification of the treatment of the suspension period evidences that the earlier proceedings were illegal and without substance. He further asserts that no copy of the purported dismissal order dated 16th June, 2009 was ever supplied to him.

8. The Court has considered the submissions advanced by the Petitioner. The grievance of the Petitioner ultimately crystallises in the reliefs sought, namely: (i) a direction for regularisation and normalisation of his services with all consequential benefits, including salary arrears and CPF settlement with interest; and (ii) payment of compensation to the tune of INR 11,00,00,000.

9. While the Petitioner asserts that a copy of the dismissal order dated 16th June, 2009 was never served upon him, this Court cannot, in the present writ proceedings, enter into a disputed question of fact regarding service of the order.

10. In any event, the contention of the Petitioner that no formal order of dismissal was ever issued is *prima facie* belied by the documents placed on record by the respondents. The respondents have produced a copy of the



dismissal order dated 16th June, 2009 issued by the competent Disciplinary Authority. Along with the said order, contemporaneous communications, including an internal email dated 17th June, 2009 and a letter dated 29th June, 2009 issued by the Managing Director of the borrowing organisation, as well as dispatch records, have been placed on record, indicating that the dismissal order was duly issued and *prima facie* communicated. At this stage, therefore, his plea that he was never formally dismissed, *prima facie*, cannot be countenanced.

11. As regards the contention of the petitioner that the earlier disciplinary proceedings were illegal and motivated, a perusal of the dismissal order dated 16th June, 2009 itself shows that the Disciplinary Authority was cognisant of the petitioner's past disciplinary history, including the earlier proceedings and the penalty imposed therein. The dismissal order records that despite being afforded leniency earlier, including imposition of a lesser penalty, the Petitioner had continued to indulge in acts of misconduct, had failed to participate in the subsequent enquiry proceedings, and had not demonstrated any improvement in conduct. The earlier modification of punishment, therefore, was not treated by the Disciplinary Authority as an exoneration of the Petitioner, but rather as an instance where leniency was shown, which did not yield the desired corrective effect. The reliance placed on Annexures D and E to assail the subsequent dismissal is, thus, misplaced.

12. In view of the above, the Petitioner's prayer for regularisation and normalisation of service and payment of salary is wholly misconceived in light of the fact that he stood dismissed from service pursuant to disciplinary proceedings.

13. Similarly, the Petitioner's claim for compensation to the tune of INR 11,00,00,000/- is entirely speculative, unsupported by any legal or factual foundation, and is wholly untenable in writ jurisdiction.



14. For the foregoing reasons, the writ petition is dismissed.

SANJEEV NARULA, J

JANUARY 8, 2026/jyh/hc