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IN THE HIGH COURT OF DELHI AT NEW DELHI

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LPA 424/2022 & CM APPL. 31091/2022 –Stay, CM APPL. 33268/2022 –Stay, CM APPL. 55489/2022 -Dir., & CM APPL. 2906/2024 -Stay.
KULAMANI BISWAL

..... Appellant

Through: Mr. Parag Tripathi, Sr. Advocate with Mr. Vivek Pathak, Mr. Amit Kumar, Mr. Rakesh Pandey and Ms Avashi Mishra and Ms. Kritika, Adv.

Versus

UNION OF INDIA

..... Respondent

Through: Mr. Apoorv Kurup, CGSC with Mr. Akhil Hasija, Advocate for UOI.
Mr. Puneet Taneja (through video conferencing), Adv. for NTPC.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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02.05.2024

CM APPL. 6664/2023 -Delay 70 days in filing Rejoinder to Appeal

1. This is an application filed by the respondent seeking condonation of 70 days delay in filing rejoinder to the appeal.
2. The application is, for the reasons stated therein, allowed and the delay of 70 days in filing the rejoinder stands condoned. Consequently, the rejoinder filed by the respondent is taken on record



3. The application stands disposed of.

LPA 424/2022

4. The present appeal under Clause X of the Letters Patent seeks to assail the order dated 04.07.2022 passed by the learned Single Judge in W.P.(C) 5563/2020. Vide the impugned order, the learned Single Judge has rejected the appellant's challenge to the order dated 13.06.2020 passed by the respondents whereby the respondents had, after considering the enquiry report submitted the Enquiry Officer appointed on 14.03.2019, taken a decision to order a *de novo* enquiry into the charges made against the appellant.
5. Learned senior counsel for the appellant candidly submits that the impugned order is being assailed primarily on three grounds only. We are, however, unable to take up the present appeal for disposal today on account of the Board position. We, therefore, defer hearing.
6. Be that as it may, taking into account the appellant's plea that he is being denied medical benefits, without which he is finding it very difficult to survive in his old age, we, by way of an interim measure, direct the NTPC to extend the medical benefits to the appellant. While issuing this direction, we also note that we are conscious of the plea of the NTPC's counsel-Mr. Puneet Aneja, that as per the policy of the company, dismissed employees would not be entitled to the medical benefits. However, taking into account the peculiar facts of this case as also the fact that the appellant is an old person, we are issuing the aforesaid direction for extension of medical benefits to the appellant during the pendency of the appeal. Needless to state, the same will remain subject to outcome of the present appeal.



7. List on 15.07.2024.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 2, 2024

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