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

+ W.P.(C) 7541/2019

JAI PRAKASH

..... Petitioner

Through: Mr. Dinesh Kumar Garg,  
Mr. Abhishek Garg, Mr. Dhananjay  
Garg & Mr. Deepak Mishra,  
Advocates.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Mr. Jitesh Vikram Srivastava,  
Advocate for respondents No.1 & 2/  
UOI.

**CORAM:**

**HON'BLE MR. JUSTICE VIPIN SANGHI**

**HON'BLE MR. JUSTICE RAJNISH BHATNAGAR**

**ORDER**

**16.07.2019**

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The submission of learned counsel for the petitioner is that keeping in view the facts & circumstances of the case, the punishment of dismissal inflicted upon the petitioner is highly disproportionate to the misconduct. The misconduct alleged against the petitioner was with regard to his unauthorised absence without leave from 14.05.2012 till the date memo was issued on 23.12.2013 and thereafter. Learned counsel submits that the petitioner was a Class-IV employee and on account of his health and other circumstances, the petitioner could not continue to discharge his services. He had rendered 32 years of qualifying service and keeping in view the



circumstances, since the misconduct did not involve any moral turpitude, the respondents should have subjected him to lesser punishment such as compulsory retirement so that he could have availed of his pensionary benefits.

Issue notice. Learned counsel for the respondents accepts notice.

Limited to the aforesaid aspect, learned counsel for the respondents may take instructions, and if necessary, file short affidavit within two weeks.

List on 07.08.2019.

**VIPIN SANGHI, J**

**RAJNISH BHATNAGAR, J**

**JULY 16, 2019**

*B.S. Rohella*