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

+ **W.P.(C) 12033/2025 & CM APPL. 49084/2025 (stay)**

MANOJ MISHRA

.....Petitioner

Through: Mr. Sridhar Potaraju, Sr. Advocate
with Mr. Rakesh Kumar Gogia,
Mr. Lalit Mohan and Mr. Karan
Malik, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Jagdish Chandra, CGSC and
Mr. Sujeet Kumar Choudhary,
Advocate and Mr. Sankalp Mishra,
GP for UOI.

Mr. Siddharth Makkar and Mr.
Dheeraj Upadhyay, Advocates for
NFL.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **11.08.2025**

1. The petitioner, who served as Chairman and Managing Director ["CMD"] of respondent No. 4 – National Fertilisers Ltd. ["NFL"], assails a disciplinary order dated 18.06.2025, issued by Government of India under Rule 32 of the Conduct, Discipline and Appeal Rules of NFL ["CDA Rules"]. By the aforesaid order, a penalty was imposed by way of recovery of losses from the amount of Rs. 27,32,749/-, withheld by the respondent from the petitioner's gratuity and leave encashment dues.
2. At the very outset, Mr. Sridhar Potaraju,, learned Senior Counsel for the petitioner, and Mr. Jagdish Chandra, learned Central Government



Standing Counsel, who appears on advance notice, are requested to apprise the Court, as to whether an appeal lies to any authority against the aforesaid order. It may be noted that Rule 39 of the CDA Rules provides for an appeal against an order imposing any of the penalties stipulated under Rule 29 of the CDA Rules. The Schedule to the CDA Rules designates “*Appointing/Disciplinary/Competent Authority*” and “*Appellate Authority*”, but neither have been designated for the posts of Director and CMDs. Learned counsel for the parties are requested to address the Court on the next date of hearing, on the question of whether the failure to designate an authority in the Schedule has the effect of depriving the employee of a right of appeal, or whether the lacuna is to be filled, if necessary, by recourse to the Central Civil Services (Classification, Control and Appeal) Rules, 1965, in terms of Rule 50 of CDA Rules.

3. Learned counsel for the parties will also take instructions as to whether the provisions for consideration of representation or review, under Rules 42 and 44 of the CDA Rules, can be employed in a case such as the present one.

4. List on 25.08.2025, in the category of “*Fresh Matters and Applications*”.

PRATEEK JALAN, J

AUGUST 11, 2025
SS/AD/