

GAHC010125482023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/3354/2023

HITENDRA KUMAR PHUKAN
S/O- LATE SREEDHAR PHUKAN,
R/O- JAYANTA ENCLAVE, VIP ROAD,
PIN- 781022, DISTRICT- KAMRUP(M),
ASSAM.

VERSUS

THE UNION OF INDIA AND 3 ORS
MINISTRY OF POWER

2:POWER GRID CORPORATION OF INDIA LTD.
GOVERNMENT OF INDIA ENTERPRISE

CORPORATE OFFICE- SADAMINI

PLOT NO.-2
SECTOR 29

GURUGRAM- 122001 (HARYANA).

3:CHAIRMAN-CUM-MANAGING DIRECTOR
POWER GRID CORPORATION OF INDIA.

4:EXECUTIVE DIRECTOR HT
POWER GRID CORPORATION OF INDIA LTD
CORPORATE OFFICE- SADAMINI

PLOT NO. 2
SECTOR 29

GURUGRAM- 1220001 (HARYANA)

Advocate for the Petitioner : MR. D P CHALIHA

Advocate for the Respondent : DY.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

14.06.2023

Heard Mr. D. P. Chaliha, learned senior counsel assisted by Ms. M. Roy, learned counsel appearing for the writ petitioner.

Aggrieved by the order of penalty of compulsory retirement from service dated 29.10.2020 imposed upon the petitioner as well as the subsequent orders rejecting his statutory appeal and the review petition, the instant writ petition has been filed inter-alia contending that the facts of the case as well as the departmental Rule does not justify issuance of such an order of penalty on the allegations brought against the petitioner.

Mr. N. C. Das, learned senior counsel assisted by Ms. M. Devi, learned counsel has appeared for the respondent Nos.2, 3 and 4 whereas Mr. P. S.

Bhattacharjee, learned Central Govt. Counsel has appeared for the respondent No.1.

The issue raised in the writ petition cannot be decided without the affidavit being filed by the department.

As such, issue notice of motion returnable in four weeks.

Since Mr. P. S. Bhattacharjee, learned Central Govt. Counsel has entered appearance and accepted notice on behalf of respondent No.1 and Ms. M. Devi, learned counsel has accepted notice on behalf of respondent Nos.2, 3

and 4, service of notice is deemed to be complete in this case. However, extra copies of the writ petition requisite in numbers be furnished to the learned departmental counsel within three days from today so as to enable them to obtain instruction and file affidavit.

JUDGE

Comparing Assistant