

ITEM NO.9 Court 6 (Video Conferencing) SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 18412/2013

(Arising out of impugned final judgment and order dated 06-02-2013 in WP No. 38076/2007 passed by the High Court Of Judicature At Allahabad)

R.P. ASPAL Petitioner(s)

VERSUS

THE NATIONAL TEXTILE CORPORATION LTD
DEPUTY GENERAL MANAGER & ANR. Respondent(s)

(FOR [PERMISSION TO FILE ANNEXURES] ON IA 2/2016)

WITH

SLP(C) No. 36700/2013 (XI)

Date : 08-02-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Mr. A. Mariarputham, Sr. Adv.
Mr. Avneesh Arputham, Adv.
M/S. Arputham Aruna And Co, AOR

For Respondent(s) Ms. Aishwarya Bhati, Ld. ASG
Mr. Kaustubh Anshuraj, AOR

UPON hearing the counsel the Court made the following
O R D E R

We have heard learned counsel for the parties.

After some arguments, learned counsel for the petitioner fairly states that the real controversy which has to be determined is whether the order of dismissal of the petitioner was passed by a competent authority. This in turn is dependent on a reading of the Rules which originally provided for the Managing Director, being the

competent authority but in view of the amendment made to the Rules vide the Minutes of the meeting of the Board of Directors dated 15.03.2005, it is the General Manager who can pass such an order of dismissal and had been passed. In view thereof the gravamen of the submission of the learned counsel for the petitioner is that only the Schedule to the Rule was changed and not the Note of the Rules and a reading of the Rules and the Note would imply that in case of the petitioner, the competent authority continues to be the Managing Director.

He accepts that this aspect was not specifically raised in the proceedings prior to the High Court in that manner except to the extent of making a distinction between the competent authority to take the action for minor penalty or major penalty.

On the conspectus of the matter, we are not able to agree to the submission of learned counsel for the petitioner. A reading of the Rules as amended with the Schedule has to take place as a whole and thus, we are of the view it cannot be said that the Managing Director continues to be the competent authority in the case of the petitioner even after amendment to the Rules because he was the appointing authority in the case of the petitioner.

We thus, find no merit in the petitions and the same are accordingly dismissed.

Pending application stands disposed of.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)