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

% **Date of Decision: 03rd September, 2026**

CNR No. DLHC010386642026

+ **CONT.CAS(C) 1494/2026**

AVINASH KUMAR

.....Petitioner

Through: **Dr. Vikas Kumar, Adv. (Through
VC)**

versus

AKHILESH KUMAR DIXIT

.....Respondent

Through: **Mr. Kaustubh Sinha, Ms. Surbhi
Mehta and Mr. Hari Krishan Sangwa,
Advs.**

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. (ORAL):

1. The present contempt petition has been filed alleging wilful disobedience of the judgment dated 27th April, 2026, passed by this Court in *W.P.(C) 2439/2020*.

2. Learned counsel appearing for the petitioner submits that directions as given in paragraph 65(g) of the aforesaid judgment have not been complied with by the respondent. The said paragraph is reproduced as under:

“xxx xxx xxx

g. If no charge-sheet is issued| within the time granted above, Respondent No. 2 shall, within eight weeks thereafter, pass a reasoned order on the Petitioner's pay and allowances for the period between 6th December, 2019 and the date of reinstatement, after considering his representation, the fact that the termination has been set aside, and the question whether the



Petitioner was gainfully employed during that period.

xxx xxx xxx”

3. In response, learned counsel appearing for the respondent has drawn the attention of this Court to paragraph 65 (d) of the said judgment, wherein, it had been directed as follows:

“xxx xxx xxx

d. Respondent No. 2 shall be at liberty to initiate disciplinary proceedings against the Petitioner for alleged unauthorised absence, non-compliance with the transfer order or any connected misconduct, in accordance with the CDA Rules. It shall, within a period of four weeks from the date of this order, take a considered decision as to whether disciplinary proceedings are required to be initiated against the Petitioner and communicate the same to the Petitioner.

xxx xxx xxx”

4. Learned counsel appearing for the respondent has further drawn the attention of this Court to *Annexure C-7*, attached to the present petition, which is an intimation dated 21st May, 2026, issued by the respondent to the petitioner, intimating him the decision to initiate disciplinary proceedings against him in terms of the liberty as granted by the Court in the said judgment, and in exercise of the powers under the Conduct, Discipline and Appeal Rules as adopted by the respondent.

5. Thus, learned counsel appearing for the respondent submits that the decision to initiate disciplinary proceedings against the petitioner herein was taken in terms of the liberty so granted by the Court *vide* the judgment dated 27th April, 2026.

6. Attention of this Court has also been drawn to the Memorandum of Charges (charge sheet) dated 08th June, 2026, annexed as *Annexure C-9*, to



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the present petition, issued against the petitioner under Rule 25(3) of the Conduct, Discipline and Appeal Rules by the respondent.

7. This Court is informed that despite issuance of the said charge sheet, the petitioner has till date not filed any reply to the said charge sheet.

8. In this regard, learned counsel appearing for the respondent has drawn the attention of this Court to the letter dated 30th June, 2026, issued by the respondent. The said letter is reproduced as under:

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सर्विसे लिमिटेड
“V EFFICIE” “V LIMIT”
A JV of PSUs Ministry of Power

RefNo. EESL/HR/0318/1123

Date:30/06/2026

To,
Mr. Avinash Kumar
1A/188,Subhash Nagar
P.O.Bermo,Dist.Bokaro
Jharkhand-829104

Dear Mr. Kumar

The undersigned has been forwarded the communication dated 17/06/2026 sent by you to the office of Chief Executive Officer of EESL. In relation thereto, please note as under:

- You have been intimated that in compliance with Paragraph 65(d) of the Judgment dated 27.04.2026 in the matter of Avinash Kumar Versus Union of India & Ors., the Disciplinary Authority of EESL, after due consideration of all relevant records, took a considered decision to initiate formal disciplinary proceedings against you. Pursuant thereto, a Notice bearing Ref. No. EESL/HR/0318/555 dated 21.05.2026 was duly issued within the four-week period stipulated by the Hon'ble Court, which was communicated to you and duly acknowledged by you vide your email dated 22.05.2026. Your contention that no compliance with Paragraph 65(d) has been made is therefore factually incorrect and is denied.
- Subsequent to the Notice dated 21.05.2026 and pursuant to the Disciplinary Authority's considered decision, a formal Memorandum of Charges (Charge Sheet) has been duly issued to you under Rule 25(3) of the Conduct, Discipline and Appeal Rules ("CDA Rules") as adopted by EESL, setting out the Articles of Charge, the Statement of Imputations, and the List of Documents relied upon. The initiation of disciplinary proceedings is in conformity with and is expressly authorised by Paragraph 65(d) of the Judgment. The proceedings are being conducted in strict accordance with the CDA Rules.
- As a consequence of the formal initiation of disciplinary proceedings within the prescribed four-week period, the provisions of Paragraph 65(f) of the Judgment apply and the question of back wages, regularisation of the period of absence, continuity for monetary benefits, and consequential service benefits shall abide by the final outcome of those proceedings, as expressly provided in the Judgment.
- Your claim, made without prejudice and in passing, that the Notice dated 21.05.2026 evinces "apparent inconsistencies and inherent infirmities" is noted and denied. The Notice was duly issued by the Disciplinary Authority within the prescribed time, communicated to you, and acknowledged by you. Any such contentions, if maintainable at all, are available to be raised by you in the course of the disciplinary proceedings in accordance with the CDA Rules.

कॉर्पोरेट कार्यालय: एन.ए.पी.सी. बिल्डिंग,
टावर, एफ.सी.टी. टा. फिल्लिंग टा. , एन.ए.पी.सी. बिल्डिंग,
201301, उत्तर प्रदेश
संपर्क: 0120-6541600

Corporate Office: EESL 1st Floor, EESL Bldg, C, Film City,
16A, 2013, New Delhi
Contact: 120-6541 0

REGD. ED OFFICE: EESL, Ground Floor, Core III, EESL Bldg, 7 Lodhi Road, New Delhi 110003



- Your submission that disciplinary proceedings are being initiated by way of reprisal for your having raised issues of corruption in EESL is denied in its entirety. The present proceedings are initiated solely in compliance with a judicial direction and in the lawful exercise of the Company's rights under the CDA Rules and the Judgment of the Hon'ble High Court. The Hon'ble High Court itself expressly granted liberty to initiate such proceedings and did not exonerate you in respect of the alleged misconduct.
- Without prejudice to the above, you are reminded that the Memorandum of Charges requires you to submit your written statement of defence within fifteen (15) days from the date of receipt of the Charge Sheet, clearly admitting or denying each Article of Charge and furnishing such explanation and documentary evidence as you consider appropriate. You are advised to avail of this opportunity in accordance with the CDA Rules.
- The Company is committed to completing the disciplinary proceedings expeditiously, fairly, and in accordance with the CDA Rules, the principles of natural justice, and the directions of the Hon'ble High Court.

Regards,

_____,
_____;

Syam Kumar Dagani
Head-HR

”

9. Thus, it is submitted that the action, in terms of the directions passed by this Court, has been taken.
10. At this stage, learned counsel appearing for the petitioner submits that



the issue with regard to the payment of back wages in terms of paragraph 65 (g) of the judgment dated 27th April, 2026, has still not been considered.

11. However, this Court notes that the directions in paragraph 65 (g) of the said judgment were conditional, and were to be followed, in case, the respondent did not issue any charge sheet and did not take a decision for taking any disciplinary proceedings against the petitioner.

12. Since, it has come to the fore that the respondent has already taken a decision to initiate disciplinary proceedings against the petitioner, and in fact a charge sheet dated 08th June, 2026, has already been issued to the petitioner, there is no occasion for this Court to hold the respondent in contempt, in any manner whatsoever.

13. No merit is found in the present petition, the same is accordingly, dismissed.

MINI PUSHKARNA, J

SEPTEMBER 3, 2026/KR