

ITEM NO.23

COURT NO.3

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 23511/2017

(Arising out of impugned final judgment and order dated 22-05-2017
in WA No. 259/2015 passed by the Gauhati High Court)

SAGAR CHANDRA DAS

Petitioner(s)

VERSUS

THE NORTH EASTERN ELECTRIC POWER CORPORATION LIMITED (NEEPCO) &
ORS. Respondent(s)

(FOR ADMISSION and I.R.)

Date : 19-01-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Avijit Roy, AOR

For Respondent(s) Mr. Kumar Parimal, Adv.
Mr. Aniruddha P. Mayee, AORUPON hearing the counsel the Court made the following
O R D E R

It is submitted by learned counsel for the petitioner that the petitioner had superannuated on 30th April, 2016. He says that under the Rules the disciplinary enquiry against the petitioner cannot be continued. We find that this submission was not made before the High Court even though the High Court had heard the matter and decided it on 22nd May, 2017.

Since this question goes to the very root of the continuance of the enquiry, we are of the view that the petitioner

may be permitted to file a review petition in this regard and the High Court may take a decision.

We may mention that learned counsel for the petitioner has referred to *Dev Prakash Tewari vs. Uttar Pradesh Cooperative Institutional Services Board Lucknow & Ors.* (2014) 7 SCC 260, to contend that the enquiry against the petitioner could not be continued. We do not make any comment on the decision.

Liberty is granted to the petitioner to file a review petition before the High Court which may be considered without reference to the period of limitation.

The special leave petition is disposed of accordingly.

(USHA RANI BHARDWAJ)
AR CUM PS

(KAILASH CHANDER)
COURT MASTER