



2025:DHC:9758-DB



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

Date of decision: 06th NOVEMBER, 2025

IN THE MATTER OF:

+ **LPA 525/2025, CM APPL. 50851/2025, CM APPL. 50853/2025**

UMESH KUMAR VERMA

.....Appellant

Through: Mr. A K Verma, Advocates

versus

UNION OF INDIA MINISTRY OF POWER & ORSRespondents

Through: Mr. Puneet Taneja, Senior Advocate
with Mr. Adarsh Tripathi, Mr.
Vikram Singh Baid and Mr. Ajitesh
Garg, Mr. Manmohan Singh Narula,
Mr. Amit Yadav, Mr. Anil Kumar,
Advocates

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

JUDGMENT

SUBRAMONIUM PRASAD, J.

1. The instant appeal has been preferred by the Appellant against the Order dated 21.04.2025 (*hereinafter referred to as "Impugned Order"*) passed by the learned Single Judge in W.P.(C) No. 893/2025, whereby the Writ Petition was dismissed on the account that the issues raised before the learned Single Judge are already *sub-judice* before the Central Government Industrial Tribunal (*hereinafter referred to as "CGIT"*).

2. Shorn of unnecessary details, the facts leading to the filing of the present appeal are as follows:-

a) The Appellant was appointed to the post of Steno-Typist in the



Respondent No. 2 Corporation/NTPC on 16.10.1986 and was superannuated from his service on 29.02.2024.

b) During 2018-2019, the Appellant herein had submitted certain medical bills for claiming medical reimbursement with respect to consultation charges, which amounted to Rs.2,82,481/-. However, the Respondent No.2 was of the view that the bills submitted by the Appellant are fake, and hence issued a Chargesheet dated 31.03.2021 via which an enquiry under Rule 25 of the NTPC (Conduct, Discipline & Appeal) Rules, 1977 (*hereinafter referred to as “CDA Rules”*) was proposed to be conducted against the Appellant. The Article of charge levelled against the Appellant is as follows:-

“Statement of Article(s) of charge in respect of Shri Umesh Kumar Verma, Emp.No.: 004026, Workman Grade: -WSG, FRGPS, Faridabad.

That Shri Umesh Kumar Verma, Emp.No:- 004026, Workman Grade:-WSG, FBGPS, Faridabad, while functioning as Workman Grade :-WSG, FBGPS, Faridabad, during the period 01.04.2018- 30.09.2019, claimed consultation charges by submitting fake medical prescriptions of Dr Ashok Mittal of Max Super Specialty Hospital, Patparganj and Dr Anurag Basu for self and family members and claimed cost of medicines through fake bills of Shiv Medical Store. Accordingly, he fraudulently claimed medical reimbursement amounting to Rs.2,82,481 - (Rupees Two Lakhs Eighty-Two Thousand Four Hundred Eighty- One only).

By the above acts of omission & commission, Shri Umesh Kumar Vema, acted dishonestly in connection with the business of the company and acted in a manner prejudicial to the interest of the company.



Thereby he committed acts of misconduct in terms of Rule 5(1) and 5(5) of NTPC CDA Rules, 1977. Sh Verma also failed to maintain absolute integrity, devotion to duty and committed acts unbecoming of a public servant. Thereby, he violated Rule 4(1) () & 4(1)(ii) of the said Rules.”

c) In pursuance of the Chargesheet, an inquiry against the Appellant was initiated under Rule 25 of the CDA Rules. Material on record indicates that the inquiry from the management side i.e., Respondent No.2 was closed on 09.12.2021. However, the inquiry was officially closed on 23.12.2021.

d) Thereafter, vide Order dated 02.03.2022 (*hereinafter referred to as “Penalty Order”*) passed by the Disciplinary Authority imposed three penalties on the Appellant herein i.e., (i) reduction to lower stage, (ii) recovery of claims and (iii) stoppage of post-retirement medical services under the NTPC Medical Attendance and Treatment Rules (*hereinafter referred to as “MAT Rules”*). The relevant portion of the Penalty Order is reproduced hereinunder:-

“AND WHEREAS, the charge of submitting fraudulent medical claims using fake prescriptions and bills is clearly established in the inquiry report. By the above acts, Sh. Umesh Kumar Verma has displayed dishonesty and acted in a manner prejudicial to the interests of the company and committed acts of misconduct in terms of Rules 5(1) & 5(5) of NTPC CDA Rules. He also failed to maintain absolute integrity and committed acts unbecoming of a public servant, thereby violating Rules 4(1)(i) & 4(1)(iii) of NTPC CDA Rules.

NOW THEREFORE, the undersigned as Disciplinary Authority after due application of mind, imposes the



penalty of "Reduction to a lower stage in the time scale of pay for a period of one (1) year without any earning of increment during the above period" on Sh. Umesh Kumar Verma.

Accordingly, major penalty of "Reduction to a lower stage in the time scale of pay for a period of one (1) year without any earning of increment during the above period" is hereby imposed on Sh. Umesh Kumar Verma.

Further, Clause 18.0 of NTPC Medical Attendance & Treatment Rules is invoked for misusing of medical facilities by Sh. Umesh Kumar Verma and recovery of Rs. 2,82,481/-, fraudulently claimed by him."

- e) Aggrieved by the Penalty Order, an Appeal was preferred by the Appellant on 22.03.2022. However, the Appellate Authority *vide* Order dated 22.08.2023 upheld the penalty imposed on the Appellant.
- f) Thereafter, the Appellant filed a review of the said Penalty Order on 17.04.2023 which was rejected by the Reviewing Authority *vide* Order dated 22.12.2023 stating that the Penalty Order requires no interference and the penalty imposed on the Appellant is appropriate given the gravity of charges levelled against him.
- g) While the disciplinary proceedings were pending against the Appellant, the Central Government referred the dispute between the Respondent No.2 and their Workmen i.e., the NTPC Karamchari Sangh, Faridabad before the CGIT by invoking Section 10(1)(d) and 10(2A) of the Industrial Disputes Act, 1947 (*hereinafter referred to as "ID Act"*) bearing ID No.182/2023 upon failure of the conciliation proceedings between the said parties. The reference given by the



Central Government regarding the said dispute is as follows:-

“1. Whether action of the management of Faridabad Gas Power Station NTPC, Faridabad against the workers of FGPA under NTPC CDA Rules, 1977, as raised by NTPC Karamchari Sangh Faridabad vide letter dated 03.11.2021, is proper, legal and justified? If not, what reliefs as sought vide letter under reference are the disputant entitled to and what directions, if any, are necessary in this respect?”

2. Whether action of the management of Faridabad Gas Power Station NTPC Faridabad in passing punishment order i.r.o Shri. Umesh Kumar Verma during the conciliation proceedings as raised by NTPC Karamchari Sangh Faridabad vide letter dated 03.11.2021, is proper, legal and justified? If not, what reliefs as sought vide letter under reference are the disputant entitled to and what directions, if any, are necessary in this respect?”

h) Aggrieved by the Penalty Order against him, the Appellant approached the Writ Court i.e., the learned Single Judge seeking quashing of the Penalty Order as well as to direct the Respondent No.2 to grant the post-retirement medical services to the Appellant.

i) Prayers sought in the Writ Petition are as follows:-

"a) a writ of certiorari calling for the records of the case for perusal;

b) A writ of certiorari quashing impugned order dated 22/12/2023 of the Reviewing Authority and order of the Appellate Authority vide dated 22/8/2023 which was passed against the penalty order 02/03/2022 whereby the Petitioner is subjected to arbitrary, discriminatory disproportionate punishment against the principles of natural justice, equity and good conscience;



c) A writ of mandamus for providing the Medical Facilities including Post-Retirement Medical Facilities under the Post-Retirement Medical Scheme;

d) To pay the cost of this petition to the Petitioner;

e) Any other writ or orders as this Hon'ble Court may deem fit in the facts and circumstances of this case and in the interest of justice."

j) *Vide the Impugned Order, the Learned Single Judge disposed of the Writ Petition with the following observations:-*

"8. It is evident from the above that the validity of the proceedings against the petitioner is the subject matter of proceedings before the CGIT. The very first issue referred to CGIT concerns the applicability of the CDA Rules to workers in the Faridabad Gas Power Station, which is one of the issues raised by the petitioner herein. The said issue has been raised in view of the disciplinary action taken against the petitioner himself, as well as one other similarly placed employee. The second question raised also refers to the action taken against the petitioner himself, including whether the action taken is proper, legal and justified.

9. In view of the above, I am of the view that questions raised in this writ petition overlap with the questions raised in the pending proceedings before the CGIT, which concerns the petitioner's own case.

10. The writ petition is therefore disposed of, reserving the rights and remedies of the petitioner against any adverse order passed by CGIT."

k) It is this Order which is under challenge in the present appeal.

3. Learned Counsel for the Appellant contends that there is a procedural fallacy in the disciplinary proceedings conducted against the Appellant. It is



submitted that the Disciplinary Authority invoked the provisions of the CDA Rules stating that the Appellant had committed acts of misconducts under Rule 5(1) and 5(5) of the CDA Rules, thereby violating Rule 4(1)(i) and 4(1)(iii) of the said Rules. However, it is primarily contended that the proceedings under the CDA Rules cannot be initiated against the Appellant as he falls within the ambit of ‘workman’ and that the CDA Rules are applicable to all the employees except for those who fall within the category of ‘workman’ under the Industrial Employment (Standing Orders) Act, 1946 (*hereinafter referred to as “IE Act”*).

4. It is further contended that the disciplinary proceedings should not have even been initiated under CDA Rules as the Appellant falls within the ambit of ‘workman’, and therefore, the Model Standing Orders are applicable to him.

5. It is also submitted that after the disciplinary proceedings are initiated against the Appellant, the Presiding Officer had abruptly and hastily closed the enquiry and did not even present an opportunity to the Appellant to advance his defence. Moreover, the procedural irregularity is so apparent that the Disciplinary Authority asked the Appellant to present its list of witnesses on the same day when the management closed its enquiry i.e., 09.12.2021.

6. Learned Counsel for the Appellant stated that the Appellant *vide* Letter dated 18.11.2021 asked the Respondent No.2 to clarify if any additional charges are levied against him by the Presiding Officer so as to get his witnesses on board accordingly. However, it is stated that the Presiding Officer had concluded the inquiry hastily, thereby causing severe prejudice to the Appellant.



7. It is further contended that adhering to the fact that the inquiry is initiated under the CDA Rules, the penalty with respect to the withholding of post-retirement medical services by invoking Clause 18 of MAT Rules cannot be imposed. It is submitted that the Disciplinary Authority had erroneously invoked the said Clause, which was not even part of the Chargesheet, thereby not following the due process of law.

8. It is submitted that the learned Single Judge pointed out that the issues raised before the Writ Court were already *sub-judice* before the CGIT. However, it is submitted that in the Writ Petition it is only the Penalty Order and the withholding of medical services which is under challenge and therefore, the same does not coincide with the issues raised before the CGIT.

9. During the course of the arguments when this Court was of the opinion that since all these arguments will have to be taken up by the CGIT and that there is no infirmity in the Order of the learned Single Judge, learned Counsel for the Petitioner restricts his entire case only to Prayer No. (c) of the Writ Petition i.e., whether the Petitioner is entitled to post-retirement medical services.

10. Learned Counsel for the Appellant further justifies that the issue of withholding post-retirement medical services is not raised before the CGIT and therefore, the observation made by the learned Single Judge suffer from severe infirmity.

11. *Per contra*, learned Counsel for the Respondent submitted that the Impugned Order does not suffer from any infirmity as the Appellant is trying to engage in forum shopping and that the decision *vis-a-vis* the issues raised before the Writ Court are already pending before the CGIT. Therefore, it is improper for this Court to interfere with the Impugned Order



passed by the learned Single Judge.

12. Heard the learned Counsels for the parties and perused the material on record.

13. It is being vehemently contented by learned Counsel appearing on behalf of the Appellant that the issue is as to whether the Appellant would be entitled to continue with the medical facilities, is not a matter covered by the *lis* pending before the CGIT and therefore, the learned Single Judge ought to have considered this issue. This Court is not inclined to accept the said contention of the Appellant.

14. Rule 18 of the MAT Rules reads as under:-

"MISUSE OF HEALTH CARD I MEDICAL FACILITIES BY EMPLOYEES OR THEIR DEPENDENTS:

Any misuse of Health Card/Medical facilities by employee or his/her dependents either by way of impersonation or committing any fraud for availing the facilities extended to the employee or his/her dependents, would entail the employee for disciplinary action in terms of NTPC CDA Rules. In such cases, the Health Card shall be cancelled permanently and the records shall be deleted from the Master data. Future medical facilities i.e. OPD, IPD & PRMS shall be withdrawn from concerned employees/beneficiary/dependants."

15. The allegations against the Appellant are that he had furnished fraud and forged medical bills using fake prescriptions to avail medical reimbursement. Therefore, Rule 18 of the MAT Rules, which disables the Appellant from taking medical benefits post-retirement under the MAT Rules, was invoked against the Appellant.



16. The issue as to whether the Appellant would be entitled to the benefit of post-retirement medical services or not would, therefore, be covered by the issues pending before the CGIT. If the CGIT finds it in favour of the Appellant and exonerate him, the Appellant automatically gets entitled to the benefit of the Rules, otherwise, the Appellant will not be entitled to it.

17. The issues raised by the Appellant can be succinctly put as follows:-

- i. Non-applicability of the CDA Rules as opposed to the applicability of Standing Orders to the Appellant while launching an inquiry against the Appellant.
- ii. Disproportionate penalty imposed by the Disciplinary Authority under the CDA Rules and withholding of post-retirement medical services, which was upheld by the Appellate Authority and the Reviewing Authority. The same is imposed illegally and arbitrarily.

18. As rightly held by the learned Single Judge, the issues which have sought to be raised in the Writ Petition are directly and substantially in issue and under consideration before the CGIT. If learned Counsel for the Appellant cannot claim that the Appellant is entitled to the benefit of medical reimbursement in wake of the findings by the Disciplinary Authority, either the CGIT upholds the arguments of learned Counsel for the Appellant, then automatically the Appellant would get exonerated which would make him entitled to the benefits of medical reimbursement, and if the CGIT holds that the Appellant has indeed forged and furnished fake bills, then the Appellant is not entitled to the medical reimbursement.

19. It appears that the Appellant is indulging in forum shopping by approaching the Writ Court for the quashing for the Penalty Order, while the same issue still being *sub-judice* before the CGIT. The Appellant, by filing a



Writ Petition, seeking the release of post-retirement medical services and quashing of Penalty Order, is well aware that a favourable outcome would affect the ultimate outcome of the CGIT, where the issues are still pending. This entirely undermines the principles of judicial propriety.

20. It is a well settled law that if a statute provides for a remedy and the same is already been sought in the appropriate forum, no alternate remedy can be sought before any other forum. The Apex Court in the case of U.P. State Bridge Corporation Ltd. & Ors. v. U.P. Rajya Setu Nigam S. Karamchari Sangh, (2004) 4 SCC 268, reads as under:-

“11. We are of the firm opinion that the High Court erred in entertaining the writ petition of the respondent Union at all. The dispute was an industrial dispute both within the meaning of the Industrial Disputes Act, 1947 as well as U.P. IDA, 1947. The rights and obligations sought to be enforced by the respondent Union in the writ petition are those created by the Industrial Disputes Act. In Premier Automobiles Ltd. v. Kamlekar Shantaram Wadke [(1976) 1 SCC 496 : 1976 SCC (L&S) 70] it was held that when the dispute relates to the enforcement of a right or an obligation created under the Act, then the only remedy available to the claimant is to get adjudication under the Act. This was because the Industrial Disputes Act was made to provide

“a speedy, inexpensive and effective forum for resolution of disputes arising between workmen and their employers. The idea has been to ensure that the workmen do not get caught in the labyrinth of civil courts with their layers upon layers of appeals and revisions and the elaborate procedural laws, which the workmen can ill-afford. The procedures followed by civil courts, it was thought, would not facilitate a prompt and effective disposal of these disputes. As



against this, the courts and tribunals created by the Industrial Disputes Act are not shackled by these procedural laws nor is their award subject to any appeals or revisions. Because of their informality, the workmen and their representatives can themselves prosecute or defend their cases. These forums are empowered to grant such relief as they think just and appropriate. They can even substitute the punishment in many cases. They can make and remake the contracts, settlements, wage structures and what not. Their awards are no doubt amenable to jurisdiction of the High Court under Article 226 as also to the jurisdiction of this Court under Article 32, but they are extraordinary remedies subject to several self-imposed constraints. It is, therefore, always in the interest of the workmen that disputes concerning them are adjudicated in the forums created by the Act and not in a civil court. That is the entire policy underlying the vast array of enactments concerning workmen. This legislative policy and intendment should necessarily weigh with the courts in interpreting these enactments and the disputes arising under them". [Ed.: So held in Rajasthan SRTC v. Krishna Kant, (1995) 5 SCC 75 at p. 91f to 92b in para 28 after quoting the principles enunciated in Premier Automobiles; as explained in (2002) 2 SCC 542 at 547.]

12. *Although these observations were made in the context of the jurisdiction of the civil court to entertain the proceedings relating to an industrial dispute and may not be read as a limitation on the Court's powers under Article 226, nevertheless it would need a very strong case indeed for the High Court to deviate from the principle that where a specific remedy is given by the statute, the person who insists upon such remedy can avail of the process as provided in that statute and in no other manner."*



21. In the case of Radha Krishan Industries v. State of Himachal Pradesh & Ors., (2021) 6 SCC 771, the Apex Court also observed as follows:-

“27. The principles of law which emerge are that:

27.1. The power under Article 226 of the Constitution to issue writs can be exercised not only for the enforcement of fundamental rights, but for any other purpose as well.

27.2. The High Court has the discretion not to entertain a writ petition. One of the restrictions placed on the power of the High Court is where an effective alternate remedy is available to the aggrieved person.

27.3. Exceptions to the rule of alternate remedy arise where : (a) the writ petition has been filed for the enforcement of a fundamental right protected by Part III of the Constitution; (b) there has been a violation of the principles of natural justice; (c) the order or proceedings are wholly without jurisdiction; or (d) the vires of a legislation is challenged.

27.4. An alternate remedy by itself does not divest the High Court of its powers under Article 226 of the Constitution in an appropriate case though ordinarily, a writ petition should not be entertained when an efficacious alternate remedy is provided by law.

27.5. When a right is created by a statute, which itself prescribes the remedy or procedure for enforcing the right or liability, resort must be had to that particular statutory remedy before invoking the discretionary remedy under Article 226 of the Constitution. This rule of exhaustion of statutory remedies is a rule of policy, convenience and discretion.

27.6. In cases where there are disputed questions of fact, the High Court may decide to decline jurisdiction



in a writ petition. However, if the High Court is objectively of the view that the nature of the controversy requires the exercise of its writ jurisdiction, such a view would not readily be interfered with.”

22. Any observations by the learned Single Judge on the issues argued by the learned Counsel for the Appellant would have the effect of affecting the proceedings before the CGIT. This Court is of the opinion that the Appellant had tried to scuttle the proceedings before the CGIT by raising all these issues before the Writ Court. Once the Central Government has raised these issues before the CGIT, it will not be open for the Appellant to approach this Court directly under Article 226 of the Constitution of India.

23. Therefore, the instant appeal is devoid of merits and is hereby dismissed. Pending application(s), if any, are also disposed of.

SUBRAMONIUM PRASAD, J

VIMAL KUMAR YADAV, J

NOVEMBER 06, 2025

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