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

+ W.P.(C) NO. 7679/2010 & CM No.19951/2010 (for stay)

SMALL INDUSTRIES DEVELOPMENT BANK
OF INDIA & ANR.

..... Petitioners

Through: Mr. Sarvesh Bisaria & Mr. P.C.
Sharma, Advs.

Versus

AMIT PANDE

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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17.11.2015

1. The petition impugns i) the order dated 15th June, 2010 of the Central Information Commission (CIC) constituted under the Right to Information Act, 2005 allowing the second appeal filed by the respondent and directing the petitioner Small Industries Development Bank of India (SIDBI) to provide to the respondent (a) the note sheets containing the proposal to institute disciplinary proceedings against the respondent, (b) the Performance Appraisal Reports of the respondent recorded for each year from the date of his appointment with the petitioner SIDBI and till his termination as well as (c) the correspondence if any between the petitioner SIDBI and the M.P. Housing Board and the report / note sheets prepared on the basis of visits of the officials of the petitioner SIDBI to the M.P. Housing Board; and, ii) the order dated 18th October, 2010 of the CIC on the application filed by the petitioner for review of the order dated 15th June, 2010.

2. Notice of the petition was issued and vide *ex parte* ad-interim order dated 21st December, 2010, the operation of the impugned orders of the CIC was stayed.

3. The respondent appeared in person on 17th March, 2011 and tendered his reply and to which rejoinder has been filed by the petitioner SIDBI. The respondent who is a resident of Gwalior and who was heard by the CIC also via video conferencing has not been appearing thereafter. The proceeding in this petition was vide order dated 1st May, 2012 adjourned *sine die* awaiting outcome of LPA No.714/2010 titled ***State Bank of India Vs. Mohd. Sahjahan***. However since none applied for revival of the petition, the petition was again listed on 24th March, 2015 and whereafter also it is being adjourned from time to time awaiting the outcome of the appeal aforesaid pending before the Division Bench.

4. The counsel for the petitioner today also states that since the appeal is still pending before the Division Bench, the hearing in this petition be adjourned. It is informed that another appeal being LPA No.22/2015 filed by the petitioner SIDBI itself against the order dated 5th November, 2014 of the Single Judge of this Court in W.P.(C) No.4643/2014 titled ***Small Industries Development Bank of India Vs. Randolph Rowe*** is also tagged along with LPA No.714/2010.

5. It is stated that the issued involved in this petition is the same as in LPA No.714/2016 and LPA No.22/2015 and the outcome of this petition would be governed by the judgment of the Division Bench in the said appeals.

6. I am however of the opinion that the same is no ground to keep this petition pending which is already nearly five years old. The outcome of this petition as per the judgments / order under consideration in the aforesaid two appeals has been enquired.

7. The counsel for the petitioner SIDBI has fairly stated that in terms of the judgments/order of the Single Judge of this Court in appeal in the aforesaid two appeals, this writ petition is to be dismissed.

8. I am of the opinion that rather than keeping this petition pending and hearing the same after the decision in the appeals aforesaid, it is expedient to decide this petition in accordance with the dicta of the Coordinate Bench in the writ petitions against orders wherein the appeals aforesaid have been preferred so that the parties to this petition can also address their respective point of view before the Division Bench and the Division Bench can look at the issue from all perspective.

9. Though the counsel for the petitioner SIDBI is not agreeable but in my view the docket of this Court need not be burdened with this petition. Even if I am, after hearing the counsel for the petitioner SIDBI and perusing the reply of the respondent, were to be of a different opinion than taken by the Coordinate Bench of this Court, the matter would still have to be referred to the Division Bench. No purpose would thus be served in hearing this petition or in passing a detailed order. The only thing which can be done is to while dismissing this petition and axiomatically vacating the interim order in force herein, give time of six weeks to the petitioner from the date of receipt of certified copy of this order to comply with the orders

impugned in this petition.

10. Accordingly, the petition is dismissed. However petitioner SIDBI is given time of six weeks from the date of receipt of certified copy of this order for complying with the orders impugned herein, to enable the petitioner SIDBI to approach the Division Bench and if entitled, obtain the interim relief as is in force in LPA No.714/2010 and LPA No.22/2015 supra.

No costs.

RAJIV SAHAI ENDLAW, J

NOVEMBER 17, 2015

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