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

+ W.P.(C) 4011/2016

SUBODH KUMAR SINGH

..... Petitioner

Through: Mr. Piyush Sharma, Advocate.

versus

STATE BANK OF INDIA & ORS.

..... Respondents

Through: Mr. Rajiv P. Kapur, Advocate.

CORAM:

HON'BLE MR. JUSTICE V.P.VAISH

ORDER

% **06.05.2016**

C.M. Appl. No.16935/2016

Exemption allowed subject to all just exceptions.

The application stands disposed of.

W.P. (C) No.4011/2016 & C.M. Appl. No.16934/2016

1. By way of present petition the petitioner, *inter alia*, seeks setting aside of the departmental inquiry report dated 27th January, 2016 and the tentative order dated 21st April, 2016 of the disciplinary authority.
2. The petitioner while working as Manager (Gold Banking) in the General Manager NW-I Secretariat, New Delhi LHO, was suspended vide letter dated 24th March, 2015 and departmental inquiry was initiated against the petitioner.
3. The inquiry officer conducted the enquiry and submitted its report

dated 27th January, 2016 which was forwarded to the petitioner vide letter dated 28th January, 2016. The petitioner was asked to submit his representation or make submissions on the findings of the inquiry officer within 7 days of receipt thereof.

4. The petitioner vide letter dated 04th February, 2016 duly responded to the letter dated 28th January, 2016 and sought quashing of the departmental inquiry on the ground that sufficient opportunity was not afforded to him to submit his defence.

5. The respondent vide letter dated 21st April, 2016 proposed imposition of penalty of dismissal in terms of Rule 67(J) of the State Bank of India Officers Service Rules and tentative order dated 21st April, 2016 was also sent to the petitioner.

6. The letter dated 21st April, 2016 of the respondent, proposing penalty on the petitioner, further stated as under: -

“2. However before I impose the aforesaid punishment I have decided to grant you an opportunity for personal hearing on 28.04.2016 at 10:00 A.M. in the Chamber of Undersigned at State Bank of India, Local Head Office, Parliament Street, New Delhi-110001. Please ensure to attend the same on the date, time and venue as stated above.”

7. The petitioner, however, vide letter dated 25th April, 2016 requested the respondent bank to fix some other date for personal hearing as due unavoidable circumstances it would not be possible for

him to be present on 28th April, 2016 for personal hearing.

8. However, instead of appearing before the appointing authority, the petitioner rushed to this Court seeking quashing of the inquiry report and the tentative order.

9. Learned counsel for the respondent Bank appearing on advance notice states that the personal hearing of the petitioner is fixed for today and the petitioner can very well agitate his grievances before the appointing authority.

10. In view of the facts and circumstances of the case, the petitioner shall appear before the appointing authority and place his grievance before the said authority.

11. Since the final order has not yet been passed by the appointing authority, the petition is premature, therefore, the petition as well as application are dismissed as such. However, the petitioner is at liberty to avail the appropriate remedy after the final order is passed by the appointing authority.

12. Accordingly, the petition as well as application stand disposed of.

V.P.VAISH, J

MAY 06, 2016

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