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

+ LPA 344/2017

V.K MALHOTRA

..... Appellant

Through: Mr. G.S. Chaturvedi and Mr. R
Madhav Bera, Adv.

versus

UNION BANK OF INDIA & ORS

..... Respondent

Through: Mr. O.P. Gaggar, Adv for R-1

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

27.07.2017

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The order impugned in this appeal is dated 07.02.2017 passed in W.P. (C.) No. 625/2016 and particularly in C.M. No. 2554/2016. By the impugned order, while admitting the writ petition, the learned Single Judge declined the interim relief sought by the appellant in the writ petition.

The submission of counsel for the appellant is that in the aforesaid application apart from seeking stay of the show cause notice dated 23.10.2015 – whereby the respondents proposed to forfeit the gratuity of the appellant, till the disposal of the writ petition, the appellant had also sought a direction to the respondent to at least pay the principal amount of gratuity to the appellant/ petitioner during the pendency of the writ petition.

Learned counsel for the respondent submits that on the show cause notice issued to the appellant with regard to forfeiture of gratuity, no order has been passed till date in deference to the proceedings pending in court. He also submits that the respondents have raised a serious objection to the territorial jurisdiction of this court to deal with the writ petition.

In view of the aforesaid, we dispose of the present appeal with a direction to the respondents to finalise the show cause notice issued to the appellant. In case the appellant is still aggrieved, it shall be open to him to take appropriate steps in that respect. We have passed this order without going into the issue of jurisdiction.

Considering the fact that the appellant is 67 years of age, the hearing in the writ petition is expedited. The same may be heard by the learned Single Judge within the next one year. It shall be open to the appellant to move an application for early hearing.

The appeal stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

REKHA PALLI, J

JULY 27, 2017

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