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

+ W.P.(C) 4165/2015

SUDHIR KUMAR JAIN

..... Petitioner

Through: Mr Manish Singhvi and Mr Shailja
Nanda Mishra, Advocates.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr Anurag Ahluwalia, CGSC with
Ms Shipra Kandoi, Advocates for R-1
& 2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **15.11.2017**

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“a) Issue an appropriate writ, direction or order declaring clause 8(1A) of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970 as *ultra vires* and unconstitutional.”

2. The essential grievance of the petitioner stems from an order dated 22.09.2014, whereby the services of the petitioner with Syndicate Bank were terminated. Such termination was in exercise of powers conferred under Sub Clause (1A) of Clause 8 of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980.

3. The petitioner challenged his termination order by way of a writ petition (W.P.(C) 456/2015), which was dismissed by a Coordinate Bench of

this Court on 16.01.2015.

4. Aggrieved by the said order, the petitioner preferred an appeal before a Division Bench of this Court (being LPA 253/2015) which was also rejected by an order dated 27.04.2015. Before the Division Bench, the appellant sought to challenge the *vires* of Sub Clause 1(A) of Clause 8 of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980. The petitioner was not permitted to raise the aforesaid contention on the ground that no such challenge had been laid in the writ petition before the learned Single Judge. Further, the petitioner sought had also not sought any leave to urge this issue before the Division Bench. The Division Bench, in the order dated 27.04.2015, also noticed that no prayer to the said effect had been made.

5. The petitioner sought to appeal against the order dated 27.04.2015 passed in LPA No.253/2015 before the Supreme Court. However, the Special Leave Petition preferred by the petitioner in this regard was dismissed. It is thus seen that the petitioner has already exhausted his remedies against the order of his dismissal and, therefore, cannot be permitted to re-agitate his grievances by way of now raising an independent challenge to Clause 8 (1A) of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980.

6. The relief prayed by the petitioner cannot be considered in a vacuum and no consequential orders can be passed and none have been sought.

7. It is also relevant to note that according to the petitioner, Clause 8 (1A) of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980 has already been declared as *ultra vires* by

the Division Bench of this Court in *M. Gopalakrishnaiah v. Union of India: 1994 (30) DRJ 251*.

8. In view of the above, this Court is not inclined to entertain the present petition. The same is, accordingly, dismissed.

VIBHU BAKHRU, J

NOVEMBER 15, 2017
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