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

+ LPA 639/2016

AJAY KUMAR GULATI Appellant
Through: Mr. Aseem Mehrotra, Advocate.

versus

STATE BANK OF BIKANER & JAIPUR AND ORS.... Respondents
Through: Mr. Rajiv Kapur with Ms. Pallavi,
Advocates.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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12.10.2017

The appellant's grievance is that the writ petition, challenging the order of removal filed in the year 2002, was rejected on the ground of availability of alternative remedy. It is submitted that the removal was made effective from 26.07.2002 and the matter pertained to the alleged incident which occurred in the year 1990-91. It is submitted that relegating a litigant who waited for a decision on the merits to another forum after 15 years was wholly unjustified and that the Court's primary jurisdiction to consider and decide upon the legality as well as the fairness of the procedure adopted in the enquiry as well as the proportionality of the order are well within the writ jurisdiction given that it is exercised in respect of non-workmen and managerial personnel.

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This Court is of the opinion that there is some merit in the appellant's grievance. The doctrine of alternative remedy applied by the Courts is a matter of convenience; the timing of its invocation is important. If invoked at the threshold, the litigant would have had at least the option to avail of numerous remedies in a timely manner. In this case, doctrine of alternative remedy has been invoked after the matter was instituted and kept pending for about 14 years.

During the course of hearing, it was submitted on behalf of the appellant that the submissions would be confined to the denial of fair opportunity and violation of principle of natural justice. It was submitted that principally the argument would be confined to non-supply of several documents and the refusal to make available the copy of the audit report which according to the appellant would have absolved him of the charges.

Having regard to all the circumstances, the impugned order is hereby set aside. Learned Single Judge is requested to dispose of the petition expeditiously in view of the appellant's submissions. The list of documents required of him (which was apparently required to be furnished as a consequence of the earlier order made in 2004) shall be furnished along with the remarks as to the relevance of each such document. The learned Single Judge may make an appropriate order requiring disclosure of and furnishing a copy of the concerned audit report to the appellant. After first deciding the issue of relevance and giving reasonable opportunity to the parties to consider the documents, the Single Judge shall make a procedural order in that

regard followed by examination of merits of the petition. The parties agreed to cooperate in the process and ensure that submissions are limited in time and suitable synopsis and list of dates are filed to assist the completion of the proceedings. The impugned order is accordingly set aside. The Single Judge is requested to endeavour and complete the final hearing within six months.

Counsel for the parties shall appear before the concerned Single Judge according to the roster allocation on 30.10.2017; the respondent Bank shall on that date produce the relevant records.

The appeal is disposed of in the above terms.

S. RAVINDRA BHAT, J

SUNIL GAUR, J

OCTOBER 12, 2017

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