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

\+ W.P.(C) 7164/2017

RITESH KUMAR GOYAL ..... Petitioner

Through: Mr. Bhupendra Singh Chauhan, Adv.

versus

THE GENERAL MANAGER ALLAHABAD BANK & ANR ..... Respondents

Through: Mr. Rajesh Kumar Gautam and Mr. Bhumit Solanki, Advs.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

<u>O R D E R</u>

% **21.08.2017**

<u>CM No. 29694/2017</u>

Exemption allowed subject to all just exceptions.

Application stands disposed of.

<u>W.P.(C) 7164/2017</u>

The present petition has been filed by the petitioner with the following prayers:

> *"For meeting the ends of justice and in the circumstances stated above, it is, therefore, respectfully prayed that this Hon'ble Court may graciously be pleased to:-*
>
> *a. To declare Financial cum Surety Bond executed by the petitioner in favour of respondent, as nullity in the eyes of law.*
> *b. Issue appropriate writ, order or direction to the Respondents for quashing order dated 26.06.2014 of respondent no.1 and further directing the respondents*

to refund a sum of Rs.1,00,000.00 (Rupees one lac only) from date of payment by the petitioner and till date of it realisation alongwith Respondent's Bank's applicable rate of interest as applicable in case of FDR (Fixed Deposit Receipts) along with cost of writ filing and material agony;

c. *Any other order / relief / direction as this Hon'ble Court may deem fit and proper in the interest of justice may also be passed in favour of the Petitioners and against the Respondents.*

It is the case of the petitioner that on his appointment, with the Allahabad Bank on November 1, 2012, he had executed a financial and securing Bond with a condition that if the petitioner leave the services of the said Bank before three years, an amount of Rs.1,00,000/- shall be forfeited. While working with the Allahabad Bank, the petitioner was selected as an Officer (Law) Grade-II in Bank of Baroda another Public Sector Bank.

On June 17, 2014, petitioner tendered his resignation to the Allahabad Bank and requested to forward application for Bond amount with remaining Bond period to Bank of Baroda and refund a sum of Rs.1,00,000/-. The said request of the petitioner was not accepted by the Allahabad Bank by stating as under:

> *"This has reference to your letter dated 17.06.2014 on the captioned subject. In this regard, our Competent Authority has observed that the resignation letter is a conditional one and hence the same is not acceptable to the Bank. You are advised to submit an unconditional request for resignation afresh along with mandate in clear terms in the matter of tendering one month's salary in lieu of mandatory notice period and Bond money of Rs.1,00,000.00 (Rupees one lakh only) as per terms your appointment. Upon receipt of above request, your application for acceptance of resignation will be forwarded to*

the Competent Authority."

On July 1, 2014, the respondents after receipt of one month salary in lieu of notice period and realizing the bond money of Rs.1,00,000/-, relieved the petitioner from his services in the Allahabad Bank. His case is based on the RTI application against which the Allahabad Bank in their reply dated 13th January, 2015 has stated "No training has been attended by you". Learned counsel appearing for the petitioner states that the reasoning given by the Allahabad Bank rejecting the request of resignation is not tenable. That apart, it is his case that the Allahabad Bank should have transferred the bond to the Bank of Baroda in terms of the instructions issued by the Govt. of India.

On a specific query, Mr Bhupendra Singh Chauhan, learned counsel appearing for the petitioner concedes that the petitioner has since joined the Bank of Baroda and the three year's bond period has also expired. If that be so, the petitioner at this stage, cannot rely or take benefit of the instructions of the Govt. of India on transfer of Bond. The amount of money having been realized by the Allahabad Bank long back, it is not a case where this Court should entertain this petition in exercise of its jurisdiction under Article 226 of the Constitution of India.

The petition is dismissed.

V. KAMESWAR RAO, J

AUGUST 21, 2017/*jg*