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

+ LPA 589/2017

SHANTI PRAKSH

..... Appellant

Through: Appellant in person.

versus

STATE BANK OF INDIA & ORS

..... Respondents

Through: Mr. Rajiv Kapur, Adv. for SBI

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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17.11.2017

1. The appellant complains that the impugned order of 01.08.2017, by which the learned Single Judge disposed of the writ petition is based upon incomplete facts. He accuses the respondent, i.e., State Bank of India (SBI) of not disclosing the relevant and particular facts and rather suppressing them. It is submitted by counsel for SBI that the appellant rushed to the Court with alleged grievance and that the Chairperson was summoned without due course.

2. The appellant who represents himself urges that the previous history of the litigation discloses that the SBI repeatedly defaulted in deciding the proceedings initiated at his behest on a complaint given under these circumstances and before approaching the Court relevant disclosures ought to have been made.

3. Learned counsel for SBI submits that the rationale for issuance of summons was not apparent and the National Commission for Scheduled Castes which was approached by the appellant appears to have issued notice as a matter of course. It is submitted that similar notices have been issued, against the Chairperson which leads to disruption of the normal functioning of the bank and even that, in most of such cases concerning service conditions and implementation of rules, the Chairperson is not personally involved.

4. We noticed that the appellant had, in fact, shown to the Court, in the counter affidavit that the SBI's Chairperson was granted exemption. Nevertheless, the facts remain that the SBI grievance with respect to summoning of the highest officials, was a matter of concern. It was keeping this in mind, the Single Judge, after noticing the judgment of the Supreme Court in the *State of Uttar Pradesh and Ors. v. Jasvir Singh and Ors.* 2011) 4 SCC 288, decided that the summons issued, ought not to be granted as a matter of routine without considering that the presence of the concerned individual was necessary for the inquiry/investigation.

5. This Court is of the opinion that there is no infirmity and fallacy in the impugned order. Whilst the Commission's power to issue summons, is undeniable, given the nature of the statute. At the same time, care and caution are to be exercised before summoning the highest officials such as – Chairperson. Mere pendency of proceedings for a long duration in Court or Tribunal, *per se*, does not mean that such Chairperson/official have to necessarily appear and

answer before the concerned forum. The other powers with the Commission are always available to adjudicate the matter.

6. In view of the above observations, we are of the opinion that the impugned order is not a nullity as is urged, hence does not call for any interference. The appeal is therefore dismissed.

7. It is stated by the appellant that his complaint is still pending. This assertion is disputed by counsel for SBI. In case, the dispute which was subject matter of the complaint is pending before the Commission as alleged for issuance of summons, or has not yet been decided despite every endeavour has been made to complete the proceedings, a final decision be rendered within six months.

S. RAVINDRA BHAT, J

SANJEEV SACHDEVA, J

NOVEMBER 17, 2017
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