

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

LPA No.739 of 2016 (O&M) in
CWP No.17374 of 2011.
Date of Decision:- 12.01.2018

Sumit Mehta

...Appellant

Versus

State Bank of India and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE B.S. WALIA**

Present:- Mr. D.S. Bali, Senior Advocate with
Mr. Parminder Walia, Advocate
for the appellant.

Mr. Kapil Kakkar, Advocate
for the respondents.

Rajesh Bindal, J.

Order dated 27.01.2016, dismissing the writ petition, has been impugned in the present appeal.

Initially the prayer in the writ petition was for setting aside of the termination order. The appellant had claimed that he was working as Customer Relationship Executive.

During the pendency of the writ petition, amendment application was filed on the ground that similarly situated employees had been regularized in service. This issue was not even touched by the learned Single Judge in the impugned order passed, as the writ

petition was decided along with two other petitions, where the facts were slightly different. Even reply to the amended petition had not been filed by the bank disputing the additional plea raised by the petitioner in the amended petition.

Learned counsel for the bank did not dispute the fact that written statement to the amended writ petition was not filed. However, he submitted that a comprehensive affidavit was filed, as three writ petitions were taken up together. He tried to explain that the persons whose services were regularized were different. However, the fact remains that there are no pleadings on record in the form of written statement disputing the pleas sought to be raised by the appellant. He further submitted that in case an opportunity is granted, the bank will file the written statement to the amended petition and the matter be reconsidered on merits.

After hearing learned counsel for the parties and considering the fact that additional plea sought to be raised by the appellant in the amended petition claiming discrimination was not responded to by the bank by filing written statement to the amended petition, we deem it appropriate to give liberty to the bank to file written statement to the amended petition and remit the matter back to the learned Single Judge, after setting aside the order dated 27.01.2016.

Ordered accordingly.

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The written statement to the amended petition be filed within 4 weeks and replication, if any, be filed within 2 weeks. Thereafter, the matter be listed for arguments before the learned Single Judge, as per roster, on 28.03.2018.

The appeal stands disposed of accordingly.

(Rajesh Bindal)
Judge

(B.S. Walia)
Judge

12.01.2018
rajesh.k.khurana

Whether speaking /reasoned : Yes / No
Whether Reportable : Yes / No