

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.696 of 2019 (O&M)
Date of Decision :28.05.2019

The Chandigarh State Cooperative Bank Limited

.....Appellant

Versus

Jaswinder Singh and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present : Mr. K.K.Gupta, Advocate for the appellant.

Mr. Sunil Chadha, Sr. Advocate with
Mr. Himanshu Jain, Advocate for respondent No.1.

KRISHNA MURARI, CHIEF JUSTICE (Oral):

This *intra court* appeal, under clause X of the Letters Patent, is directed against the order dated 21.11.2018, passed by the learned Single.

We have heard Mr. K.K.Gupta, learned counsel for the appellant and Mr. Sunil Chadha, Sr. Advocate assisted by Mr. Himanshu Jain, Advocate, appearing for respondent No.1.

The order impugned in this appeal has been passed in the interregnum stage pending proceedings of the writ petition filed by respondent No.1, challenging the dismissal order. During the course of hearing, learned Single Judge finding that the inquiry report was not satisfactory and it did not bring any clarity on the subject matter because of lack of reasoning in attaching weight to the material on record and as such

directed for an independent inquiry to be made by the Committee headed by the retired Judicial Officer and a Chartered Accountant from the list maintained by the Company Court.

Learned counsel for the appellant vehemently contended that in case the inquiry report was not satisfactory or there was any flaw in the proceedings as has been found *prima facie* by the learned Single Judge still he could not have constituted a Committee of outsiders to inquire into the matter and the only course available was to have remitted the matter back to initiate the *de novo* proceedings from whatever the stage as the learned Single Judge found that the proceedings were vitiated for one reason or the other.

Learned Senior counsel appearing for respondent No.1, though tried to justify the impugned order by urging that this was done in the interest of justice, however, to our mind the order passed by the learned Single Judge involving outsiders into an departmental inquiry into the conduct of the respondents cannot be said to be legally justified from any angle. In the circumstances, the impugned order dated 21.11.2018, constituting a Committee of the aforesaid two persons is hereby set aside. The matter stands remitted back to the learned Single Judge. We have also found that the question of continuance of the interim order is also an issue between the parties and another LPA was filed challenging the stay order passed by the learned Single Judge on the dismissal order which was remitted back vide order dated 11.07.2018, with a request to the learned Single Judge to consider and pass appropriate orders on the stay vacating application.

Be that as it may. In the facts and circumstances, we deem it appropriate to remit the matter to the learned Single Judge with a request to consider and dispose of the writ petition itself on merits. The parties shall appear before the learned Single Judge on 17.07.2019. In the given circumstances, we request the learned Single Judge to try and dispose of the writ petition itself on merits subject to his Lordship convenience.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

28.05.2019

Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No