

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

LPA-905-2020 (O&M)

Date of Decision: 16.03.2023

Rajnish Kumar and others

.....Appellants

Vs.

Anirudh Dhanda and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Anupam Gupta, Senior Advocate, with
Mr. Akshay Jain, Advocate, and
Mr. Sukhpal Singh, Advocate,
for the appellants.

G.S.SANDHAWALIA, J. (ORAL)

1. The present Letters Patent Appeal seeks consideration of the interim order passed by the learned Single Judge on 10.05.2019 whereby various officials including the Chief General Manager, General Manager-I, Chairman, Deputy Managing Director (HR) and Corporate Development Officer had been impleaded as respondents No. 3 to 6 in COCP-1062-2005. The application was filed by the writ petitioner-employee who was seeking to enforce the order dated 12.10.2004 (Annexure P-1), passed in CWP-17051-2002 titled **Anirudh Dhanda, Office MMGS II State Bank of India, Ropar Branch, Ropar vs. State Bank of India through its Chairman at Corporate Centre Madam Cama Road, Mumbai and others.**

2. The Bank thereafter, filed CM-24613-CII-2019 (Annexure A-18) for recalling the order. The learned Single Judge vide order dated 03.03.2020 (Annexure A-15) dismissed the application by noting that the

said persons were parties to the writ petition as per their designation and therefore, they were very much necessary parties for compliance of the order dated 12.10.2004 (Annexure P-1). The Senior Counsel has pointed out that the order of the learned Single Judge was taken in appeal in LPA-437-2004 which was decided on 04.01.2006 (Annexure A-8) whereby certain liberty was given to the employee as such by noting that an independent order has been passed on 18.07.2005 (Annexure R-3) by Bank.

3. It is submitted that in such circumstances, the matter is no longer maintainable before the learned Single Judge and effort is thus made to argue on merits.

4. We are of the considered opinion that this is an issue which is to be discussed by the learned Single Judge and not by this Court which is only seized of impleadment orders of the officials. The said exercise was necessary as litigation had been initiated way back and decided in 2004 and the contempt petition was filed subsequently. The officers in-charge would have accordingly changed over a period of time and therefore, the enforcement was sought against the officers who were holding the said posts at that point of time.

5. In such circumstances, in our considered opinion the impleadment of the said officers was justified and no fault can be found in the order of the learned Single Judge. It is always open to the Bank as such to argue on merits before the learned Contempt Bench as to whether the order of the learned Single is enforceable, in view of the facts and circumstances, on account of the fact that the order now stands merged with the Letters Patent Appeal.

6. We need not dilate on this issue that the same will be considered by the learned Single Judge since the employee was also earlier party to the decision of the learned Division Bench.

7. According, with the abovesaid observations, the appeal is disposed of.

Pending miscellaneous application (s), if any, also stand disposed of.

(G.S. SANDHAWALIA)
JUDGE

March 16, 2023
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether Reportable	No