



2024:DHC:1350



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

% Judgment delivered on: 19.02.2024

+ **CONT.CAS(C) 288/2024, CM APPL. 9961/2024 & CM APPL. 9962/2024****FIROZ AHMAD**

..... Petitioner

versus

SH DINESH KUMAR KHARA & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : In person.

For the Respondents : Mr. Rajiv Kapur and Mr. Akshit Kapur,
Advocates for SBI.**CORAM:****HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****JUDGMENT****TUSHAR RAO GEDELA, J. (ORAL)****[The proceeding has been conducted through Hybrid mode]**

1. Mr. Firoz Ahmed – petitioner, who appears in person submits that the order dated 02.06.2022 passed by this Court in W.P.(C). 1054/2019 directing, *inter alia*, the respondent No.1 therein to decide the petitioner's appeal dated 26.11.2018 within a period of six weeks from that date by following the due laid down procedure.

2. Mr. Ahmed – petitioner submits that order which was subsequently passed on 14.07.2022 by the respondents, annexed as



Annexure-C2 at page No. 17 of the present petition, was not passed by the Authority which was the competent Appellate Authority to the petitioner's Disciplinary Authority, since the petitioner was a Scale-II officer.

3. According to the petitioner, it is the Appellate Committee at Mumbai, Maharashtra, which alone was the Competent Appellate Authority to decide such appeal.

4. He submits that this information regarding the incompetency of the person, who has passed the appellate order in appeal dated 14.07.2022, was obtained by him after a number of RTIs were filed, only very recently, and as such, after getting such information, he has filed the present petition.

5. In the meanwhile, petitioner also submits that he had approached the Rajasthan High Court at Jaipur against the impugned order dated 14.07.2022, however, upon receiving the aforesaid information, he submits that he withdrew the said writ petition with liberty.

6. He submits that the order having been passed by the incompetent Appellate Authority, is *non est* in law, and as such, being violative of the order passed by this Court, contempt is made out.

7. Mr. Kapur, learned counsel appears for the respondent-Bank, and on instructions of Mr. Bhagirath Patel, Manager (Law), SBI, AO-Jodhpur, submits that the appeal dated 26.11.2018 will be placed immediately before the Appellate Committee at Mumbai, Maharashtra, which even according to the petitioner, who appears in person, is the appropriate Appellate Authority.

8. In view of the above submissions, as also to do substantial justice,



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this Court is of the considered opinion that to avoid unnecessary delay and obviate further complications, the respondents would place the petitioner's appeal dated 26.11.2018 before the Appellate Committee at Mumbai within a period of one week from today.

9. The Appellate Committee is directed to dispose of the said appeal within a period of four weeks in accordance with law and under the rules and regulations of the State Bank of India.

10. With the aforesaid directions, the present contempt petition along with pending applications is disposed of in accordance with law.

11. The aforesaid order has been passed without making any observation on the merits of the matter.

TUSHAR RAO GEDELA, J.

FEBRUARY 19, 2024/nd