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

+ **W.P.(C) 5290/2024**

AJAY SINGH KOTWAL

..... Petitioner

Through: **Mr. Ritesh Khatri, Advocate**

versus

**PUNJAB NATIONAL BANK ERSTWHILE
ORIENTAL BANK OF COMMERCE**

..... Respondent

Through: **Mr. Rajesh Kr Gautam, Mr. Anant
Gautam, Ms. Anani Achumi, Mr.
Dinesh Sharma and Ms. Shivani
Sagar, Advocates**

**CORAM:
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

ORDER
01.05.2024

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(The proceeding has been conducted through Hybrid Mode)

CM APPL. 21603/2024

1. Exemption allowed subject to all just exceptions.
2. The application stands disposed of.

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3. This is a writ petition under Article 226 of the Constitution of India
inter alia seeking the following prayers:-

*“(A) pass a Writ, Order or Direction in the nature of Mandamus
and / or such other appropriate Writ directing the Respondent
to release the payment of salaries, perks & allowances
including the consequential retiral benefits, which are paid
short i.e. difference of gratuity, provident fund, leave*



encashment and pension etc. on the basis of applicable scale; as if the petitioner has never been charge sheeted, and in view of the decision dated 08.11.2023 passed by the Hon'ble High Court of Punjab and Haryana in CWP No. 22463 of 2015; and

(B) pass a Writ, Order or Direction in the nature of Mandamus and / or such other appropriate Writ directing the Respondent to pass necessary speaking directions on the basis of the representations dated 07.12.2023, 19.12.2023, 18.01.2024, and 02.03.2024 [Annexure P-4, P-5, P-7 & P-9]; and

(C) pass a Writ, Order or Direction in the nature of Mandamus and / or such other appropriate Writ directing the Respondent to consider the Petitioner's case for Notional Promotion or Promotion as per the case of the Petitioner's eligibility falling in the criteria; ...”

4. After some hearing, learned counsel appearing for the petitioner submits that he would be satisfied in case para (B) of the prayer clause is allowed.

5. Mr. Rajesh Gautam, learned counsel appearing for the respondent objects to the very maintainability of the present petition for the reason that in an earlier round of litigation whereby the petitioner had challenged the disciplinary proceedings against him, the petitioner had approached the High Court of Punjab and Haryana at Chandigarh in the year 2015 and by the decision dated 08.11.2023, the said petition was disposed of quashing certain impugned orders and also permitting the respondent/bank to proceed with the disciplinary proceedings afresh, if permissible in law.

6. However, Mr. Gautam submits that without acquiescing to the jurisdiction of this Court and reserving all his rights for objections on territorial jurisdiction of this Court for entertaining this writ petition, he



submits that the said representation in prayer (B) of the petition would be considered and disposed of by the Competent Authority in accordance with law.

7. In that view of the matter, reserving the rights of the respondent on territorial jurisdiction of this Court, this Court directs that the representations noted in prayer (B) of the petition be considered by the Competent Authority of the respondent and disposed of by a speaking order in accordance with law. The said exercise shall be carried out within eight weeks from today.

8. The petitioner would be afforded an opportunity of hearing. The date, time and venue of such hearing be communicated to the petitioner, well in advance.

9. It is needless to state that the orders so passed shall be communicated to the petitioner forthwith.

10. The petition is disposed of in above terms with no order as to costs.

TUSHAR RAO GEDELA, J

MAY 1, 2024

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