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

+ **W.P.(C) 15436/2024**

AJAY SINGH KOTWAL

.....Petitioner

Through: Mr. Ritesh Khatri, Advocate with
Petitioner in person.

versus

PUNJAB NATIONAL BANK

(ERSTWHILE ORIENTAL BANK OF COMMERCE).....Respondent

Through: Mr. Rajesh Kumar Gautam, Mr.
Anant Gautam and Mr. Deepanjali Choudhary,
Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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12.12.2024

CM APPL. 64782/2024

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. This writ petition has been preferred on behalf of the Petitioner under Article 226 of the Constitution of India for a direction to the Respondent for release of payment of salary, perks and allowances including consequential retiral benefits which the Petitioner is entitled after he has succeeded before the Punjab and Haryana High Court.
4. Petitioner had joined the Oriental Bank of Commerce on 15.01.1983



and was promoted as Manager in MMG Scale II in the year 1991 and thereafter in 2003, as Senior Manager in MMG Scale III. In 2008, Petitioner was promoted as Chief Manager in SMG Scale IV. While the Petitioner was serving as Chief Manager in SMG Scale IV, two chargesheets dated 04.12.2013 and 12.04.2014 were issued against him under Regulation 6 of the Oriental Bank of Commerce Officer Employees (Discipline & Appeal) Regulations, 1982 ('Regulations 1982'). The disciplinary proceedings culminated into imposition of punishment of reduction to lower grade from SMG IV to MMG Scale III under Regulation 4(g) of Regulations 1982. The appeal and the review petition filed against the punishment order were rejected, which compelled the Petitioner to approach the High Court of Punjab and Haryana in CWP No.22463/2015 titled "*A.S. Kotwal v. Oriental Bank of Commerce and Another*". By a judgment dated 08.11.2023, the petition was allowed by the Court and the proceedings including the punishment order were quashed. Petitioner thereafter made several representations for release of consequential benefits including difference in his retiral benefits. As the penalty was reduction to lower grade from SMG IV to MMG Scale III, writ petition being W.P.(C.) No. 5920/2024 was also filed by the Petitioner, for differential amounts, which was disposed of on 01.05.2024, directing the Respondent to decide the representations filed by the Petitioner. Not getting any response, the Petitioner has now approached the Court for reliefs, as aforementioned.

5. On the last date of hearing, Mr. Rajesh Kumar Gautam pointed out that benefits were not being released since the judgment of learned Single Judge of Punjab and Haryana High Court was challenged before the Division Bench and the appeal was admitted. Learned counsel for the



Petitioner, however, had pointed out that the Division Bench while admitting the appeal had categorically stated that there will be no stay of the judgment of the learned Single Judge. At that stage, Mr. Gautam sought time to revert back with instructions.

6. Learned counsel for the Petitioner hands over a copy of order dated 14.11.2024, whereby the application filed by the Bank for stay of the judgment of the learned Single Judge has been dismissed as withdrawn. The order dated 14.11.2024 is taken on record.

7. In light of this, Mr. Gautam, appearing on behalf of the Respondent, on instructions, fairly and candidly submits that consequential benefits of the judgment of the learned Single Judge will be released to the Petitioner within a period of ten days from today.

8. This writ petition is, accordingly, disposed of recording the assurance given on behalf of the Bank. Needless to state that the release of the consequential benefits will be subject to the final outcome of the appeal before the Punjab and Haryana High Court.

JYOTI SINGH, J

DECEMBER 12, 2024

B.S. Rohella