



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

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CWP-31470-2024

Date of decision: 09.01.2025

SUDARSHAN KUMAR GUPTA

.....Petitioner

VERSUS

STATE BANK OF INDIA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Sunil Chadha, Senior Advocate with
Ms. Kashish, Advocate
for the petitioner.

Mr. Vikas Chatrath, Advocate and
Mr. Preet Agroa, Advocate
for the respondent-Bank.

VINOD S. BHARDWAJ, J. (Oral)

The petitioner has approached this Court challenging the order dated 29.01.2019 passed by the General Manager (NW-2), State Bank of India, Local Head Office (LHO), Sector-17-A, Chandigarh as well as against the subsequent dismissal of an appeal vide order dated 09.05.2019 by the respondent No.2-The Chief General Manager, State Bank of India.

2. The Chief General Manager, while passing the speaking order, recorded that the as per instructions of the Bank Circular dated 02.03.2016, Appellate Committee is the competent authority to hear the appeal instead of

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the Chief General Manager. The Chief General Manager hence dismissed the said representation on the ground that the said representation would not be maintainable before it. Aggrieved thereof, the petitioner approached this Court. Vide order dated 22.11.2024 this Court ordered as under:-

“Learned Senior Counsel for the petitioner inter alia contends that while relying on Rule 69 of State Bank of India Officers Service Rules, 1992, the Chief General Manager had rightly observed in the impugned order dated 09.05.2019 (Annexure P-14) that he was not competent to decide the appeal, thus it was incumbent upon him to have well forwarded the same to the Appellate Authority which can even now be done.

In view of the above, learned counsel for the respondent prays for time to obtain instructions.

Adjourned to 09.01.2025.

3. On resumed hearing, Counsel for the respondent-Bank contends that it would have no objection to listing of the appeal in case the petitioner approaches the Appellate Committee, which is competent to hear the appeal, against the order passed by the disciplinary authority but without prejudice to its right to raise all its objections including with respect to delay.

4. Learned Senior Counsel appearing on behalf of the petitioner submits that he shall approach the Appellate Committee against the impugned order and prays that the Appellate Committee be directed to take an appropriate decision on the appeal so preferred, without being influenced by the order dated 09.05.2019 passed by the Chief General Manager.

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5. Counsel for the respondent-Bank has no objection to the same
6. Accordingly, the present writ petition is disposed of with the consent of the parties and without commenting on the merits of the case, at this stage, with liberty to the petitioner to prefer an appeal before the Appellate Committee within a period of 04 weeks from today.
7. In the event of the petitioner preferring an appeal, the Appellate Committee shall pass a reasoned and speaking order and upon granting of an opportunity of hearing to the petitioner, if provided under the Rules, within a period of three months of preferring of such an appeal. Needless to mention that nothing intended in the present order shall be deemed to be granting any concession to either of the parties and all objections/contentions would be available to them in support of their respective arguments.

JANUARY 09, 2025

Vishal Sharma

(VINOD S. BHARDWAJ)

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No