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

+ W.P.(C) 4595/2025 and CM APPLs.21282-21283/2025

VED PRAKASH

.....Petitioner

Through: Mr. Shaad Anwar, Mr. A.R. Khan,
Mr. Morh Mukut P. Yadav,
Advocates.

versus

CHIEF GENERAL MANAGER & ANR.

.....Respondents

Through: Mr. Rajiv Kapur, SC with Mr.
Akshit Kapur, Ms. Riya Sood,
Advocates for SBI.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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09.04.2025

1. The petitioner has filed this writ petition under Article 226 of the Constitution for the following reliefs:

“A. Issue writ order direction under article 226 of constitution of India in the nature of certiorari to quash order dated 17.03.2011, passed by disciplinary authority and order dated 01.09.2011, passed by appellate authority in the interest of justice.

B. Issue a writ order direction under article 226 of constitution of India in the nature of mandamus directing the respondents to pay entire retirement benefits including gratuity, provident funds and all allowances difference of salary from the date of suspension till superannuation and potentially pension benefits in the interest of justice.”

2. It is stated in the writ petition that the disciplinary proceedings were already challenged by the petitioner before the Allahabad High Court by filing Civil Misc. Writ Petition No. 72067/2011. An order of the



Allahabad High Court dated 12.08.2024 has been annexed to the present writ petition, which reads as follows:

“Heard Shri Chandan Bhagat, learned counsel for petitioner.

Shri Chandan Bhagat, has filed this withdrawal application of the petitioner seeking to withdraw the present petition.

In view of the. above, the withdrawal application is allowed.

Writ petition is permitted to be withdrawn.

Accordingly the petition is consigned to record. Interim order, if any, stands discharged.

There is no liberty to file writ petition on same ground or with same prayer.”

3. Unfortunately, neither the writ petition filed by the petitioner before the Allahabad High Court, nor the application for withdrawal filed by him thereafter, have been annexed to the present writ petition. The hearing was therefore passed-over to enable learned counsel for the petitioner to produce the original writ petition and the withdrawal application. The documents have been produced on second call and are taken on record.

4. The prayers in the writ petition before the Allahabad High Court were directed against the order of the disciplinary authority dated 17.03.2011 and the appellate authority dated 01.09.2011. These are the very orders which are mentioned in prayer ‘A’ of this writ petition also.

5. In the application for withdrawal of the writ petition filed before the Allahabad High Court, no liberty was sought to file another writ petition on the same cause of action. The order dated 12.08.2024, quoted above makes it clear that no such liberty was granted; in fact, it was expressly declined.

6. What makes matter even worse is that the writ petitioner has, on



11.09.2024, filed an application before the Allahabad High Court for modification of the order dated 12.08.2024. A copy of the said application has also been handed up in Court and is taken on record. The prayer in the said application is as follows:

*“It is, therefore most respectfully prayed that this Hon’ble Court may graciously be pleased to allow this application and **modify the order dated 12.08.2024** passed by this Hon’ble Court in Civil Misc. Writ Petition No. 72067 of 2011 (Ved Prakash Vs. Deputy General Manager (Operations) State Bank of India, Administrative Office, Garh Road, Meerut and others) **by adding the given liberty to the petitioner for filing the fresh writ petition, otherwise the petitioners will suffer irreparable loss and injury.**”*

Emphasis supplied

7. In the affidavit accompanying the application, it has been mentioned that the petitioner has been acquitted in Criminal Appeal No. 274/2017, by order dated 17.08.2023, and liberty has been sought for filing of a fresh writ petition. I am informed by learned counsel for the parties that the application for modification has not yet been listed before the Allahabad High Court.

8. In the present writ petition, the application for modification has not been mentioned at all, although the writ petition was affirmed on 01.04.2025 whereas the modification application bears the date of 11.09.2024. It is evident from the above that the petitioner was correctly advised that no fresh writ petition is maintainable in the teeth of the order dated 12.08.2024. He has, therefore, approached the appropriate Court for modification of that order, but has filed the present writ petition for the same relief without disclosing that his application remains pending in the Allahabad High Court. This conduct is tantamount to a gross suppression of material facts, and also indicates an attempt at forum shopping on the



part of the petitioner.

9. A person, who seeks extraordinary constitutional remedies available under Article 226 of the Constitution, must satisfy all requirements of an action in equity. The Supreme Court in *K. Jayaram & Others v. Bangalore Development Authority & Others*, [(2022) 12 SCC 815] has made it clear that no writ petition should be entertained if material facts have been suppressed.

10. The writ petition, alongwith the pending applications, is, therefore, dismissed with costs of Rs.20,000/- to be deposited by the petitioner with the Delhi High Court Legal Services Committee [“DHCLSC”] [*UCO Bank, Delhi High Court, Shershah Road, New Delhi, Account No. 15530110008386, IFSC Code- UCBA0001553*] within a period of four weeks from today.

11. A copy of this order be furnished to the Secretary, DHCLSC.

PRATEEK JALAN, J

APRIL 9, 2025

“Bhupi/JM”/