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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1934-2026

RATTAN SINGH Petitioner
Versus
HDFC BANK LTD AND ORS. Respondents

1.	Judgment reserved on	25.02.2026
2.	Judgment pronounced on	07.04.2026
3.	Judgment uploaded on	08.04.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced.	
5.	The delay, if any of the pronouncement is full judgment and reason thereof.	

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Rajeshwar Singh Thakur, Advocate
for the petitioner.

YASHVIR SINGH RATHOR, J. (Oral)

1. This revision petition is directed against the order dated 12.09.2025 (Annexure P-4) vide which an application under Order 1 Rule 10 of Civil Procedure Code (for short ‘CPC’) moved by the respondents No.2 to 5 for deleting their names from the array of defendants in Civil Suit No.CS CJ 1846 of 2023 titled as ‘*Rattan Singh Vs. HDFC Bank Ltd. & others*’, pending in the Court of learned Civil Judge (Junior Division), Chandigarh, has been allowed.
2. It is submitted that plaintiff has impleaded defendants No.2, 3, 4 & 5 as a party in their capacity as the employees of the defendant No.1/company solely on the ground that the said defendants acted in accordance with the applicable service rules of defendant No.1 in



performance of their duties. A perusal of the suit clearly reveals that no relief has been claimed by the plaintiff against defendants No.2 to 5. Further, the dispute being raised by the plaintiff pertains to a private employment contract which has been executed between the plaintiff and defendant No.1 in their individual capacity. Thus no privity of contract exists between the plaintiff and defendant No.2 or defendant No.3 or defendant No.4 and 5 respectively. It is further submitted that defendants No.2 to 5 are neither a necessary nor proper party in the present suit as no lis exists between the plaintiff and defendants No.2 to 5 in their individual capacity. By way of present suit, plaintiff has challenged the termination of his employment by defendant No.1 who alone has the authority to appoint or terminate any employee. As defendants No.2 to 5 are not employers of the plaintiff, no purpose shall be served by retaining the said defendants in the array of defendants in the present proceedings. Thus, the present suit is not maintainable against defendants No.2 to 5 and a prayer has been made for striking of the names of defendants No.2 to 5 from the array of the defendants.

3. Plaintiff in his reply to the application has submitted that present application has been filed by the defendants/applicants with the sole motive to cause delay and harassment. The applicants-defendants are necessary parties to the suit and their role has been well explained in the suit. The plaintiff has sufficient evidence against the applicants-defendants to establish their role and misuse of authority by them in ruining the career of the plaintiff. Defendants No.2 to 5 are in gainful employment of defendant No.1 but their acts against the plaintiff were with common intent to remove the plaintiff from job. They had not acted



in accordance with service rules of defendant No.1. Applicants in collusion with each other framed the plaintiff in the misconduct which plaintiff never committed and same has never been proved on record but despite that the applicants misused their official position to settle their scores and grudges against the plaintiff. The role of the applicants has been well explained and the same needs to be proved on record during examination of the applicants-defendants. There may not be any privity of contract between the plaintiff and applicants directly but they being senior officials acted beyond jurisdiction to prove the alleged misconduct which the plaintiff never committed and as such, they are a necessary party to the suit. Defendant No.1 is a bank which is managed and controlled by its officials and amongst them are the defendants who misused their powers and acted against the plaintiff illegally to remove him from the job. Dismissal of the application was sought.

4. After hearing the parties, learned Trial Court accepted the application under Order 1 Rule 10 read with Section 151 of CPC moved by defendants No.1 to 5 and allowed them to be deleted from the array of parties.

5. Feeling aggrieved, the revision in hand has been preferred. The material on file has been perused and learned counsel for petitioner has been heard.

6. Hon'ble Supreme Court in 2025 (3) RCR (Civil) 176 titled '***Sulthan Said Ibrahim Vs. Prakasan & Ors.***' has explained the scope of Order 1 Rule 10(2) as under:

“45. The power to strike out or add parties under Sub-rule (2) can be exercised by the court on an application made by the parties before it, or upon an application by a



third party who desires to be added as a party, or even suo motu. Explaining the object underlying Order I Rule 10, this Court in Ramesh Hirachand Kundanmal v. Municipal Corpn. of Greater Bombay reported in (1992) 2 SCC 524 observed thus:

“6. Sub-rule (2) of Rule 10 gives a wide discretion to the Court to meet every case of defect of parties and is not affected by the inaction of the plaintiff to bring the necessary parties on record. The question of impleadment of a party has to be decided on the touchstone of Order 1 Rule 10 which provides that only a necessary or a proper party may be added. A necessary party is one without whom no order can be made effectively. A proper party is one in whose absence an effective order can be made but whose presence is necessary for a complete and final decision on the question involved in the proceeding. The addition of parties is generally not a question of initial jurisdiction of the Court but of a judicial discretion which has to be exercised in view of all the facts and circumstances of a particular case.”

7. Hon’ble Supreme Court in (2005) 6 SCC 733 titled **‘Kasturi Vs. Iyyamperumal’**, while dealing with the question whether a particular party is a necessary party to the proceedings or not has laid down as under:-

- “(i) There must be a right to some relief against such party in respect of the matter involved in the proceeding in question; and
- (ii) It should not be possible to pass an effective decree in absence of such a party.



However, in light of impleading necessary parties, regard must be had that joinder of parties shall not result in alteration of nature and character of the suit.”

8. Order 1 Rule 10 of the Civil Procedure Code (CPC), 1908, thus empowers courts to add, substitute, or strike out parties to a suit at any stage to ensure that necessary parties are present for complete adjudication. Under sub-rule (1), if a suit is filed by a wrong person as plaintiff or if there is uncertainty regarding the correct plaintiff, the Court may substitute or add the right person, provided the mistake was made in good faith and the change is essential to determine the real matter in dispute. At any stage of the legal process, under sub-rule (2), the Court has the power, either on its own or through an application, to remove the name of any party who was improperly included or to add any person who should have been joined or whose presence is necessary for a final adjudication of all issues. In simple words, it provides for the addition of necessary and proper parties as well as the removal of any unnecessary or improper party. A necessary party is one without whom no effective decree can be passed, while a proper party is one whose presence is required for complete adjudication.

9. In the present case, plaintiff has challenged the order dated 15.03.2022 passed by defendant No.1 whereby his services have been terminated as well as order dated 28.02.2023 passed by defendant No.4 vide which the appeal filed by him was rejected and a decree for mandatory injunction has been sought for directing the defendants to reinstate him. As per his version, three emails had been received by various employees of the bank which were allegedly sent by some



relatives of Jaswinder Singh at his instance, while plaintiff had nothing to do with them. He was also summoned by the police but the complaint was withdrawn. Two more complaints by female employees under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 were also filed against him on which he was served with a notice which was replied by him. Thereafter, a committee for conducting inquiry was constituted and several other complaints by female employees were also found to be pending against him which were also taken into consideration. Plaintiff has alleged that the proceedings conducted by the Inquiry Officer were against the principles of natural justice and findings of the Inquiry Committee dated 05.02.2022 are incorrect as he was not given any opportunity to defend himself. Thereafter, show cause notice was issued to him by HR head so as to impose major punishment which was replied by him. However, no opportunity of personal hearing was provided and he was relieved from service on 15.03.2022. He preferred an appeal to defendant No.4 which was also dismissed on 15.06.2022. In para No.36 of the plaint, he has alleged that he has impleaded defendant No.5 - Vinit Arora in his personal capacity as he had *malafide* intention against him and had hatched conspiracy against him being Branch Banking Head. As such, the plaintiff is aggrieved with the order of Inquiry Committee dated 15.03.2022 as well as Appellate Authority dated 28.02.2023 and he has impleaded the maker of those orders as a party being defendants No.3 and 4. It is not in dispute that defendants No.2 to 5 are not appointing authority or removing authority of the plaintiff and it is only defendant No.1 through its Executive Vice President that the plaintiff has been



removed from service. As such, the plaintiff has the cause of action to challenge his termination only against defendant No.1 and defendants No.2 to 4 as well as defendant No.5 cannot be impleaded as defendants in the present case particularly because there is no privity of contract between the plaintiff and defendants No.2 to 5. Mere execution of various communications/orders by officials of bank i.e. defendants No.2 to 5 or action taken by such officials in furtherance to the service rules of the bank will not make them personally liable to the plaintiff as has also been observed by the Trial Court while rejecting the application while placing reliance upon law laid down in SLP (C)/7080/2021 titled '**Tarun Chugh, CEO and Managing Director, Bajaj Allianz Life Insurance Company Ltd. Vs. Saroj Kumar Panda**'.

10. Learned Trial Court has thus rightly come to the conclusion that defendants No.2 to 5/applicants are neither a necessary nor a proper party and their presence is not at all essential for just decision of the case. No relief has been claimed against them and suit can be effectively decided in their absence. As such, material illegality or manifest error has been committed while allowing the application so as to call for interference.

11. Resultantly, the petition in hand is ordered to be dismissed.

12. Pending misc. application(s), if any, shall also stand disposed of.

(YASHVIR SINGH RATHOR)
JUDGE

07.04.2026
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No