



2025:DHC:3092-DB



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

Date of decision: 29.04.2025

+ **LPA 173/2025**

STATE BANK OF INDIA & ORS.

.....Appellants

Through: Mr.Rajiv Kapur, SC for SBI
with Mr.Akshit Kapur, AOR.

versus

AJAY KUHAR GULATI

.....Respondent

Through: Mr.Aseem Mehrotra,
Ms.Deeksha Mehrotra, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

CM APPL. 13649/2025

1. This is an application seeking condonation of 14 days' delay in filing the appeal.
2. For the reasons stated in the application, the delay is condoned.
3. The application is disposed of.

LPA 173/2025 & CM APPL. 13595/2025

4. This appeal has been filed by the appellants, challenging the Judgment dated 09.12.2023 passed by the learned Single Judge of this Court in W.P. (C) No.7773/2002 titled *Ajay Kumar Gulati Vs. State Bank of Bikaner & Jaipur (now State Bank of India) & Ors.*, whereby the learned Single Judge partially



allowed quashing the charge sheet, inquiry proceedings, inquiry report dated 28.03.2002, punishment dated 26.07.2002 as well as the appellate order dated 03.10.2002 and directing the Bank to reinstate the Petitioner notionally from the date of discharge. Petitioner is held entitled to pension from the date of superannuation. Arrears of pension shall be released to the Petitioner within three months from today.”

5. The learned counsel for the appellants submits that this Court, by its Judgment dated 06.09.1995 passed in CWP No. 405/1995, directed that the departmental inquiry pursuant to the appointment of a fresh Inquiry Officer by the appellants, should proceed from the stage of the respondent producing his documentary and oral evidence. The Court further directed that, if such a request is made, the Inquiry Officer should consider the question of recalling any witness for further cross-examination. He submits that pursuant to the above direction, the Inquiry Officer continued with the inquiry proceedings, in which the defence documents were supplied to the respondent. However, the request of the respondent for additional documents was rejected by the Inquiry Officer, who relied upon an earlier order passed in the previous inquiry proceedings. The respondent, thereafter, stopped participating in the inquiry proceedings, because of which the inquiry report was formulated on 28.03.2002; a show cause notice was issued to the respondent



with the proposed punishment on 01.06.2002; and the punishment of discharge from service was passed against the respondent by the Disciplinary Authority *vide* Order dated 26.07.2002.

6. The respondent challenged the same by way of a writ petition, being CWP no.3821/2002, which was disposed of by this Court as withdrawn with liberty granted to the respondent to take such appropriate action as permissible in law.
7. The respondent then filed a departmental appeal which was rejected on 03.10.2002.
8. Thereafter, the respondent filed the writ petition, which has resulted in the impugned order.
9. The Writ Petition was earlier disposed of by the learned Single Judge of this Court *vide* its Judgment dated 01.09.2016, by holding therein that the respondent is a 'Workman' and that the grievance raised by him has to be adjudicated by the Industrial Tribunal.
10. Aggrieved of the said Judgment, the respondent challenged the same by way of an appeal, being LPA No. 639/2016, which was disposed of by the Division Bench of this Court *vide* its Order dated 12.10.2017. As the present challenge to the impugned order is premised on the final directions passed by the Division Bench of this Court in the aforesaid judgment, we would quote the same in detail as under:

*“Having regard to all the circumstances,
the impugned order is hereby set aside.*



Learned Single Judge is requested to dispose of the petition expeditiously in view of the appellant's submissions. The list of documents required of him (which was apparently required to be furnished as a consequence of the earlier order made in 2004) shall be furnished along with the remarks as to the relevance of each such document. The learned Single Judge may make an appropriate order requiring disclosure of and furnishing a copy of the concerned audit report to the appellant. After first deciding the issue of relevance and giving reasonable opportunity to the parties to consider the documents, the Single Judge shall make a procedural order in that regard followed by examination of merits of the petition. The parties agreed to cooperate in the process and ensure that submissions are limited in time and suitable synopsis and list of dates are filed to assist the completion of the proceedings. The impugned order is accordingly set aside. The Single Judge is requested to endeavour and complete the final hearing within six months.

Counsel for the parties shall appear before the concerned Single Judge according to the roster allocation on 30.10.2017; the respondent Bank shall on that date produce the relevant records.

The appeal is disposed of in the above terms."

(Emphasis supplied)

11. Pursuant to the remand, the learned Single Judge has passed the impugned order.
12. The learned counsel for the appellant submits that in the



impugned order, however, the learned Single Judge has not discussed the relevance of the documents that were being sought by the respondent during the inquiry proceedings, but has proceeded on the basis that denial of supply of such documents to the respondent vitiated the inquiry.

13. The learned counsel for the respondent, who appears on an advance notice of this appeal, submits that the relevance of the documents was duly brought to the attention of the learned Single Judge by filing of an affidavit, however, he is unable to deny that the impugned order does not discuss the said issue at all.
14. Faced with the above and in view of the Judgment dated 12.10.2017 passed by a Co-Ordinate Bench of this Court in LPA no.639/2016, which specifically directs that the learned Single Judge shall first consider the relevance of each of the documents, production of which was sought by the respondent, and thereafter, make an appropriate order requiring the disclosure of and furnishing a copy of the concerned documents to the respondent or its effect, we have been left with no option but to set aside the impugned judgment passed by the learned Single Judge.
15. Accordingly, the impugned judgment is set aside. The Writ Petition is resorted back to its original number.
16. Keeping in view that the disciplinary proceedings in the present case have been pending since 1991 and have already undergone

