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

+ LPA 441/2024

REGIONAL MANAGER, CENTRAL BANK OF INDIA

..... Appellant
Through: Mr. Ashok Kumar Singh, Sr. Adv.
with Mr. Rajesh Sharma, Ms. Saloni
Singh, Mr. Rajat Joshi and Ms.
Ashanga Rai, Advs.

versus

SH. KUNWAR PAL SINGH

..... Respondent

Through: None

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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28.05.2024

CM APPL. 32206/2024 & CM APPL. 32207/2024-Exp

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

CM.APPL. -----to be numbered (28 days delay in filing the appeal)

3. This is an application filed by the appellant seeking condonation of 28 days delay in filing the appeal.
4. The application is, for the reasons stated therein, allowed. Consequently, the delay of 28 days in filing the appeal stands condoned.
5. The application stands disposed of



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6. The present appeal under Clause X of the Letters Patent Appeal seeks to assail the order dated 12.03.2024 passed by the learned Single Judge in W.P.(C) 4235/2017. Vide the impugned order, the learned Single Judge has rejected the appellant's challenge to the award dated 03.01.2017 whereunder the appellant was directed to re-instate the respondent in service with all consequential benefits.

7. The primary submission of the learned senior counsel for the appellant is that the learned Single Judge has failed to appreciate that even if the learned Industrial Tribunal was of the view that the enquiry stood vitiated, liberty ought to have been granted to the appellant to lead evidence before the Tribunal to prove the charges against the respondent. He further submits that the learned Single Judge has also failed to appreciate that the copies of documents which were not relied upon during the enquiry were not required to be supplied to the respondent. Furthermore, the respondent had failed to show the prejudice suffered by him on account of non-supply of those documents which were not even relied upon in the enquiry.

8. Upon appellant taking steps, issue notice to the respondent through all permissible modes. Counter-affidavit be filed within six weeks. Rejoinder thereto, if any, be filed within four weeks.

9. List on 24.10.2024.

CM APPL. 32205/2024-Stay

10. This is an application filed by the appellant seeking stay of the impugned award. Subject to the appellant depositing 50% of the amount payable under the award dated 03.01.2017 with the Registrar General of this Court within six weeks, the operation of the impugned order and the award



dated 03.01.2017 will remain stayed till the next date of hearing.

11. List on 29.10.2024.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 28, 2024/rr