

Ö-
SLP(C)No. 10629 OF 2001

ITEM No.33

Court No. 7

SECTION XIV
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.10629/2001

(From the judgement and order dated 11/04/2001 in LPA 181/01
of The HIGH COURT OF DELHI AT N. DELHI)

UCO BANK & ORS.

Petitioner (s)

VERSUS

H.C. GOVIL
(With prayer for interim relief)
(For Final Disposal)

Respondent (s)

Date : 09/01/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI
HON'BLE MR. JUSTICE S.N. VARIAVA

For Petitioner (s) Mr. Mukul Rohtagi, ASG
Mr. Hemant Chaudhry, Adv.
Mr. Sanjeev Malhotra, Adv.

For Respondent (s) Mr. R.G. Srivastava, Adv.
Mr. B.K.Satiya, Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

Leave is granted.
The appeal is allowed in terms of the signed
order. There shall, however, be no order as to costs.

.SP1

(Kanwal Singh)
Court Master

(Kanchan Jain)
AR-cum-PS

Signed order is placed on the file.

.PA

.....L.....I.....T.....T.....T.....T.....T.....T.....J

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC
arising out of
SPECIAL LEAVE PETITION (C) NO. 10629 OF 2001@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC

UCO Bank & Ors.Appellants
VS.
H C GovilRespondent

O R D E R@@
CCCCCCCC

.....L.....I.....T.....T.....T.....T.....T.....T....J
.SP2

Leave is granted.
Heard Mr. Mukul Rohtagi, learned Additional Solicitor General for the appellants and Mr.R.G.Srivastava, learned counsel for the respondent.
This appeal is directed against the order of the Division Bench of the High Court of Delhi in Letters Patent Appeal No. 181 of 2001 dated 11th April, 2001. The High Court disposed of the appeal by a short order which reads as under:

.....L.....I.....T.....T.....T.....T.....J.....
.SP1

"This appeal is barred by time by three years. Though we do not find any ground to condone the delay, we have heard learned counsel for the appellants on merits. The learned Single Judge has merely directed the appellant/bank to consider the matter and pass a speaking order. The present appeal is misconceived and is, accordingly, dismissed in limine."

...2/-

.....L.....I.....T.....T.....T.....T.....T.....T....J
.SP2

A perusal of the order shows that the Division Bench took note of the fact that the Single Judge directed the appellant-bank to consider the matter and pass a speaking order and in that view declined to interfere with the orders under appeal. The question that is involved in the appeal is whether the Assistant General Manager is a competent authority to

pass order of punishment against the respondent. The germane question was not adverted by the Division Bench.

In the circumstances, we consider it appropriate to set aside the order under challenge and remit the case to the Division Bench of the High Court to decide the LPA in accordance with law. It will also be open to the High Court to consider the question of condoning the delay in filing the appeal.

The appeal is, accordingly, allowed. There shall, however, be no order as to costs.

Inasmuch as the order of dismissal against the respondent was passed in 1992, we expect the High Court to take note of this fact and decide the appeal expeditiously.

.SP1

.....J.
(SYED SHAH MOHAMMED QUADRI)

.....J.
(S. N. VARIAVA)

New Delhi
January 09, 2002.