

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6316 OF 2021
(@ SLP(C) No.12724/2021)

PRATHAMA U.P GRAMIN BANK & ANR.

Petitioner(s)

VERSUS

SUNEEL KUMAR

Respondent(s)

O R D E R

Leave granted.

The challenge in the present appeal is to an order passed by the High Court of Judicature at Allahabad on 02.08.2021 whereby the High Court has summoned the Charman of the appellant-Bank to apprise him the manner in which the officers of the Bank are working. The Court also directed the Regional Manager of the Bank to appear in person and to file affidavit stating the number of staffs working in the Bank as Daily Wager.

The respondent raised industrial dispute regarding termination of his services in violation of provision of Section 25F of the Industrial Disputes Act, 1947 (in short, the Act). The reference was answered in favour of the workman on 07.12.2006. The writ petition against the said award was dismissed on 13.02.2018. The workman was reinstated during the pendency of the writ petition before the High Court but after the decision of the writ petition,

the services of the workman were terminated on 03.10.2019. Such termination of order is subject matter of challenge before the High Court in Writ-A No.8862/2021.

We find that there is no reason for the High Court to summon the Chairman and Regional Manager of the Bank. If the High Court was so sure of the order of termination is contrary to law, the High Court would be well within its jurisdiction to pass such an order but summoning of the officers, discharging public duties, is clearly unwarranted. This Court in a Judgment 'The State of Uttar Pradesh vs Manoj Kumar Sharma' reported in 2021 SCC Online SC 460 has already commented adversely against the practice of the Officers being summoned to the Court.

In view of the said fact, the direction to summon the officers of the Bank are set aside. However, the Bank shall file affidavit as directed within four weeks from today.

It shall be open to the High Court to decide the writ petition in accordance with law.

The appeal is allowed in above terms.

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

.....J.
[HEMANT GUPTA]

.....J.
[V. RAMASUBRAMANIAN]

NEW DELHI;
8th OCTOBER, 2021

ITEM NO.36 Court 11 (Video Conferencing) SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 12724/2021

(Arising out of impugned final judgment and order dated 02-08-2021 in WA No. 8862/2021 passed by the High Court of Judicature at Allahabad)

PRATHAMA U.P GRAMIN BANK & ANR. Petitioner(s)

VERSUS

SUNEEL KUMAR Respondent(s)

(I.R. and IA No.101132/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.101134/2021-EXEMPTION FROM FILING O.T.)

Date : 08-10-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr. Rajesh Kumar Gautam, AOR
 Mr. Anant Gautam, Adv.
 Mr. Nipun Sharma, Adv.
 Mr. Ravi Solanki, Adv.

For Respondent(s) Ms. Preetika Dwivedi, AOR

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

Leave granted.

The appeal is allowed in terms of the signed order.

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

(SWETA BALODI)
COURT MASTER

(RENU BALA GAMBHIR)
COURT MASTER (NSH)

(Signed order is placed on the file)