

PETITIONER:
STATE BANK OF PATIALA

Vs.

RESPONDENT:
MAHENDRA KUMAR SINGHAL

DATE OF JUDGMENT 14/01/1994

BENCH:
AHMADI, A.M. (J)
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AHMADI, A.M. (J)
VENKATACHALA N. (J)

CITATION:
1994 SCC Supl. (2) 463

ACT:

HEADNOTE:

JUDGMENT:
ORDER

1. Special leave granted.
2. Heard counsel on both sides. The respondent was visited with the punishment of dismissal from service. He filed a departmental appeal which came to be dismissed, whereupon he moved the High Court by way of a writ petition. The High Court quashed the order of the appellate authority on the ground that no personal hearing was given before the appeal was dismissed. The matter was, therefore, remitted to the appellate authority to dispose of the appeal after hearing the delinquent personally. It is against the said order that the present appeal is filed.
3. No rule has been brought to our attention which requires the appellate authority to grant a personal hearing. The rule of natural justice does not necessarily in all cases confer a right of audience at the appellate stage. That is what this Court observed in *F.N. Roy v. Collector of Customs, Calcutta*'. We, therefore, think that the impugned order is not valid. Our attention was, however, drawn to the decision in *Mohinder Singh Gill v. Chief Election Commissioner, New Delhi*' wherein observation is made in regard to the right of hearing. But that was not a case of a departmental inquiry, it was one emanating from Article 324 of the Constitution. In our view, therefore, those observations are not pertinent to the facts of this case.
4. We, therefore, set aside the impugned order and remit the matter back to the High Court for disposal of the writ petition on the other grounds and contentions raised therein. Since the matter is fairly old, the High Court may expedite the same. The appeal is allowed with no order as to costs.