

NON REPORTABLE

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. 5428 OF 2008
(Arising out of SLP (C) No. 8001 of 2007)

The J & K Bank Ltd. & Ors.

...Appellants

VERSUS

Smt. Neelam Rani

...Respondent

J U D G M E N T

TARUN CHATTERJEE, J.

1. Leave granted.
2. In our view, this appeal can be disposed of on a very short point.
3. This appeal is directed against a Judgment and decree passed by the High Court of Punjab and Haryana at Chandigarh in Regular Second Appeal No. 1111 of 2005 by which, the second appeal filed by the appellant was dismissed and the decree passed in favour of the respondent was affirmed.
4. A perusal of the Judgment of the High Court passed in second appeal would show that the question that was

raised before the High Court was negated by it by passing the order in the following manner:-

"I have gone through the judgments of the Courts below. There are concurrent findings and the points now been raised had been dealt with by the Courts below."

5. The question that was needed to be decided by the High Court was whether the courts below could have interfered with the order of voluntary retirement passed by the appellant against the respondent in accordance with Rule 265-A of the J & K Bank Officers Service Rules, 1987 which does not require the holding of enquiry as a pre-requisite and whether a suit for specific performance of a contract for enforcing personal contract of service against the appellant for alleged breach of rules framed by the appellant as a non statutory company was maintainable in law.

6. In our view, the High Court was not justified in dismissing the second appeal in the manner it had dismissed. While considering the second appeal, the High Court ought to have considered the questions raised before it, as indicated herein earlier, and thereafter by formulating or framing the aforesaid questions as substantial questions of law by a speaking and reasoned order.

7. Such being the position, we set aside the judgment of the High Court and remit the case back to it for disposal of the second appeal in accordance with law after formulating the substantial questions of law and after passing a reasoned and a speaking order in accordance with law.

8. The impugned judgment is, therefore, set aside and this appeal is allowed to the extent indicated above. The High Court is requested to dispose of the second appeal in accordance with law in the light of the observations made hereinabove within a period of six months from the date of supply of a copy of this order. There will be no order as to costs.

.....J.
[TARUN CHATTERJEE]

.....J.
[AFTAB ALAM]

NEW DELHI

September 02, 2008.