

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.397 OF 2010
(Arising out of S.L.P. (C) No.21235 of 2009)

Chairman of Board of Directors,
Kalinga Gramya Bank

...Appellant(s)

Versus

Duryodhan Lenka

...Respondent(s)

O R D E R

Leave granted.

Heard learned counsel on both sides.

The only ground on which the order of the Disciplinary Authority, confirmed by the Chairman in appeal, stood set aside by the High Court was on the ground that the order passed by the Disciplinary Authority was an ex-parte order. In the facts and circumstances of this case, we are of the view that ends of justice would be subserved if the High Court decides Writ Petition No.13239 of 2003 on merits. For the afore-stated reasons, we set aside the impugned order and remit the matter to the High Court for *de novo* consideration on merits. We request the High Court to expeditiously hear and dispose

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of the said writ petition, preferably within four months from today. We make it clear that we are not expressing any opinion on the merits of the case. We also keep all contentions on both sides expressly open.

Accordingly, the civil appeal stands disposed of with no order as to costs.

.....J.
[S.H. KAPADIA]

.....J.
[SWATANTER KUMAR]

New Delhi,
January 15, 2010.



JUDGMENT