

Jasbir Singh Dhillon

Vs

Union of India and Others

Civil Appeal No. 207 of 1981

(R.S. Pathak, E.S. Venkataramiah, V.B. Eradi JJ)

29.07.1981

JUDGMENT

PATHAK, J. –

1. The appellant filed a writ petition in the High Court of Delhi contending that his compulsory retirement by the Punjab and Sind Bank was contrary to law. The writ petition was taken up for a preliminary hearing by a Bench of two learned judges of the High Court. The learned judges differed on whether the writ petition should be dismissed in limine or a rule should be issued. The matter was referred to a third learned judge who, on November 11, 1980, passed an order dismissing the writ petition in limine. By this appeal the appellant seeks relief against the dismissal of the writ petition.

2. It seems to us that this is a case which should not have been dismissed in limine by the High Court. The High Court should have issued a rule and after hearing the parties on the questions arising in the case, should have disposed it of in final hearing. This the High Court will now do. Accordingly, we set aside the order of the High Court and send the case back to it for restoring the writ petition to its original number and thereafter to decide it on the questions arising therein in the presence of the parties. The parties will appear before the High Court on August 24, 1981 for appropriate orders.

3. There is no order as to costs.

</html