

GAHC010019572022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/808/2022

PRASANTA KUMAR GANGULY
S/O-LATE ASHISH KUMAR GANGULI, PRESENTLY RESIDING AT TULIP
GREENS, BLOCK-I, FLAT-A, 3RD FLOOR,
4 DR. BANKIM MUKJHERJEE ROAD, BESIDE AUROBINDO HIGH SCHOOL,
P.O- KONNAGAR, DIST- HOOGLY, WEST BENGAL

VERSUS

THE STATE BANK OF INDIA AND 4 ORS
REP , BY THE MANAGING DIRECTOR CORPORATE CENTRE, MADAM
CAMA ROAD, MUMBAI- 21

2:THE CHIEF GENERAL MANAGER
STATE BANK OF INDIA
N.E CIRCLE
LOCAL HEAD OFFICE DISPUR
GUWAHATI-06

3:THE GENERAL MANAGER-II
STATE BANK OF INDIA
N.E CIRCLE
LOCAL HEAD OFFICE DISPUR
GUWAHATI-06

4:THE DEPUTY GENERAL MANAGER
STATE BANK OF INDIA
ZONAL OFFICE
BHANGAGARH
GUWAHATI-05

5:THE CHIEF MANAGER
STATE BANK OF INDIA

GOSSAIGAON BRANCH
GOSSAIGAON
DIST- KOKRAJHAR
ASSA

Advocate for the Petitioner : MR. I A TALUKDAR

Advocate for the Respondent : MR. H BURAGOHAIN

BEFORE
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR
ORDER

16.02.2024

Heard Mr. I.A. Talukdar, learned counsel for the petitioner. Also heard Mr. H. Buragohain, learned counsel for the respondents.

The petitioner while serving as JMGS-I in the Gossaigaon Branch of State Bank of India was awarded a penalty on 24.02.2005 by which he was dismissed from service in terms of Rule 67(J) of the State Bank of India Officer's Service Rules. The order further provided that no salary and allowance will be paid to the petitioner for the period under suspension and that the period of suspension will be treated as '*not on duty*'. The order further provided that subsistence allowance already paid to the petitioner during the period of suspension would not be recovered on humanitarian grounds.

Learned counsel for the petitioner submits that the petitioner instituted WP(C) No.3598/2006 challenging the order of dismissal. However, the said writ petition was dismissed by order dated 14.09.2010. Thereafter, the petitioner filed an Appeal, which was registered as Writ Appeal No.234/2011, which was also dismissed. Therefore, the order of dismissal from service has attained finality.

The present writ petition has been filed by the petitioner for a direction to the respondent-Bank to release the amount of gratuity and Provident Fund that is entitled to the petitioner.

Mr. Buragohain, learned counsel for the respondents, submits that the gratuity amount of Rs.2,28,915/- has already been paid to the petitioner and the Provident Fund amounting to Rs.5,67,668/- has already been adjusted against the personal loan and car loan taken by the petitioner. He, therefore, submits that there is nothing left in the writ petition for adjudication.

Mr. Talukdar, learned counsel for the petitioner, submits that if no further coercive action is taken against the petitioner, this writ petition may be closed as infructuous.

Mr. Buragohain, learned counsel for the respondents, submits that as the matter has been already settled, no further coercive action will be taken against the petitioner by the respondent-Bank.

In view of above, this writ petition is closed as infructuous.

JUDGE

Comparing Assistant