

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18423 of 2014

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Surendra Tiwari Son of Late Ramraj Tiwari Resident of Village - Amehta,
Police Station - Agiaon Bazar, District - Bhojpur at Ara, at present Assistant
(under suspension), State Bank of India, Patliputra Branch, Patna-800 013.

.... Petitioner/s

Versus

1. The Deputy General Manager (Banking and Operation), State Bank of India, Zonal Office, Bank of Bihar Building, Judges Court Road, Patna.
2. The Regional Manager, State Bank of India, Regional Business Office-II, Bank of Bihar Building, Judges Court Road, Patna.
3. The Branch Manager State Bank of India, Patliputra Branch, Patna.
4. The Branch Manager State Bank of India, Pakari Branch, Ara.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bindhayachal Singh, Adv
For the Respondent/s : Mr. Kaushlendra Kumar Sinha, Adv & Mr.
Sunil Kr Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

4 02-02-2015 Heard learned counsel for the parties as with
regard to the following reliefs, prayed in this writ
application:-

“For issuance of a writ in the nature of certiorari or any other appropriate writ/direction for quashing of the memorandum dated 8.05.2013 issued by the Regional Manager, State Bank of India, Regional Branch Office-II, Patna, whereby the petitioner has been suspended on the ground that the petitioner is fraudulently encashed cheques through his various accounts including one transfer transaction of Rs. 1.00 lakh from account no. 30078855465 to account no. 31519093929 of M/s Asterling India on 23.05.2011 Prop. Sunni Priyadarshi one of the co-accused involved in the fraudulent encashment of cheques from various branches of the Bank from different part of the country. It is also alleged that the petitioner is also involved in this fraudulent activities and encashment of cheques from various accounts/banks which is highly prejudicial to the bank’s interest.

The petitioner has been suspended arbitrarily with immediate effect pending further disciplinary proceeding under the provisions of memorandum of settlement on disciplinary proceedings for workmen date 10.04.2002.

For issuance of writ in the nature of certiorari or any other appropriate writ/direction for quashing of the order of attachment to branch office Gumla of the Bank in Region-I, R.B.O. Ranchi under control of Ranchi Administrative Officer of NETWORK-II, although the petitioner's headquarter is Patna.

For issuance of writ in the nature of certiorari or any other appropriate writ/direction for quashing of the disciplinary proceeding arising out of the charge sheet memo No. RM-II/P/HR/13 dated 26.03.2014 which is arbitrary and illegal because the petitioner was in jail, criminal trial was going on, and even after repeated request applications from the petitioner to initiate the disciplinary proceeding after his release from custody.

For issuance of a writ in the nature of mandamus or any other appropriate writ/direction for commanding the respondents to increase the subsistence allowance from 1/3rd to full scale of pay as the petitioner's suspension period has crossed one year.

For issuance of writ in the nature of mandamus or any other appropriate writ/direction for commanding the respondents to release from hold (a) personal pension account of Army A/c No. 10533674800 with State Bank of India, Pakari branch, Ara, (b) personal over draft loan account no. 30078855465 with State Bank of India, Patliputra branch, Patna, (c) salary A/c No. 10636339627 with State Bank of India, Patliputra branch, Patna in the name of the petitioner, specially pension account no. 10533674800 of Army service."

2. Mr. Bindhayachal Singh, learned counsel appearing on behalf of the petitioner submits that during the pendency of this writ application not only impugned order of suspension of the petitioner had lead to initiation of departmental proceeding but also on the



basis of departmental proceeding the petitioner has been punished by way of dismissal from service. He however clarifies that the order whether by way of dismissal or otherwise has not been served upon the petitioner.

3. In the considered opinion of this Court once it becomes clear that the petitioner has been proceeded departmentally pursuant to impugned order of suspension and has also resulted in the order of punishment, this writ application has definitely become infructuous on account of such order of punishment is appealable before the appellate authority inasmuch as the petitioner will have the remedy of an appeal.

4. Coming now to the only other relief sought by the petitioner that his pension being paid for his earlier services rendered in the Armed Forces should be released, this court is of the view that if that has not been in any way subject matter of punishment and/or loan taken by the petitioner the bank will have no reason to withhold such amount of pension.

5. In that view of the matter the competent authority of the bank is directed to ensure that the amount of pension which was being paid to the petitioner for his services rendered in the Armed Forces must be paid within a period of one month from the date of receipt of this order after making permissible adjustment of any recoverable amount including dues of loan if any.

6. With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

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