

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 5055 of 2011

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Dhirendra Kumar Verma, son of Late Uday Prasad Verma, resident of 91,
New SBI Officers' Colony, Digha Ghat, P.S. – Digha, District – Patna.

.... Petitioner

Versus

1. The State Bank of India through its Chairman, Corporate Office,
Madam Cama Road, Mumbai.
2. Chief General Manager, State Bank of India, Local Head Office, Near
Gandhi Maidan, Patna.
3. General Manager, Personnel Department, State Bank of India, Local
Head Office, Near Gandhi Maidan, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava

For the Respondent/s : Mr. Kaushlendra Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 09-11-2015 Heard Sri Abhinav Srivastava, learned counsel for the
petitioner and Sri Kaushlendra Kumar Sinha, learned counsel for
respondents/State Bank of India.

The petitioner, who was discharged from the Bank
service after his conviction in a case instituted by C.B.I. in the
year 1986, has approached this Court invoking its writ jurisdiction
under Article 226 of the Constitution of India, with a prayer to
quash **Annexure – 15** to the writ petition i.e. an order passed by
the Chief General Manager, S.B.I. By the said order, the claim of
petitioner for granting him promotion to MMG Scale – II was
rejected.

Sri Abhinav Srivastava, learned counsel for the



petitioner submits that it is true that the petitioner was arrested in a criminal case, bearing CBI Case No. 30 of 1986 on 21st March, 1986 and subsequently, he was released on bail. However, no departmental proceeding was initiated against the petitioner. In the meanwhile, process for promotion was initiated in the month of June, 1986. Petitioner's claim for promotion in MMGS II had accrued on 01-08-1985, however; his case was kept in sealed cover. Thereafter, subsequently, in the year 1989 also, his case for promotion in MMGS II was considered, but it was kept in sealed cover. However, subsequently, the petitioner was convicted by the CBI court. The conviction of the petitioner was affirmed by the High Court and finally, it was also approved by the Apex Court. It has been argued that since the claim of the petitioner for being promoted in MMGS II had accrued on 01-08-1985 itself and his case was kept in sealed cover, now the petitioner is entitled to get such promotion w.e.f. 01-08-1985. He submits that the order impugned whereby the claim of the petitioner has been rejected is liable to be set aside.

Learned counsel for the respondent/Bank has opposed the prayer of the petitioner. By referring to averment made in the counter affidavit, he submits that since the petitioner has been convicted in a criminal case, which was relating to discharge of

duty in relation to the Bank service, the petitioner after conviction is not entitled to get any relief. He further submits that reason assigned in the impugned order is sufficient to persuade the Court to reject the writ petition.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. From the record, it appears that the petitioner was initially appointed as Clerk-cum-Typist in the State Bank of India and he was promoted in the year 1978 as Junior Management Grade Scale – I. However, while serving the Bank in the said capacity, he was arrested by the CBI on 21st March, 1986 and he was taken into custody. He was also put under-suspension. Subsequently, the case of petitioner for being promoted in MMGS – II w.e.f. 1st August, 1985 was considered, but process had commenced in the month of June, 1986, whereas, against the petitioner, criminal case was already initiated and as such, his case was kept in sealed cover. Again, in the year, 1989, his case for promotion was considered, but his case was kept in sealed cover. Once, the case of petitioner was kept in sealed cover, every decision was to be taken as per the result of the criminal case, which was pending against the petitioner. In the criminal case, the petitioner was convicted and his conviction was approved by the Supreme Court also. On the ground of

conviction, the petitioner was also discharged from service w.e.f. 29th July, 1992.

Once the petitioner was discharged from service on the ground of conviction in a criminal trial, which was in relation to discharge of his official duty, the Court is of the opinion that the petitioner was not entitled to get any such relief. The order impugned has assigned reason for rejection of the claim of the petitioner, which requires no interference.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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