

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2901 of 2015

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Ram Swarup Mistry son of Sri Indra Deo Mistry r/o mohalla - Gurhatta, Sonartoli,
Dr. Masaue Ali Road, Patna City, P.S. - Khajekala, Patna City, Distt. Patna.

.... Petitioner/s

Versus

1. The Central Bank of India through its Chairman cum Managing Director,
Central Office, Chandramukhi, Nariman Point, Mumbai - 400021.
2. The Zonal Manager, Central Bank of India, Zonal Office, B.Block , 2nd Floor,
Maurya Lok Complex, Patna - 800001.
3. The Regional Manager, Central Bank of India, Regional Office, Booti More,
Main Road, Ranchi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Kishor Poddar

For the Respondent/s : Mr. Ajay Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

Date: 19-02-2015

Herd learned counsel for the parties.

Having regard to the fact that the petitioner has prayed

for the following relief:-

- "1(i) For a direction on the respondent to sanction and
release arrear of pension w.e.f. 01.04.2009 till date and
to pay current pension on month to month basis along
with interest at Bank rate from due date of payment of
actual date of payment.
- (ii) For a direction on the respondent to sanction and
release entire gratuity amount along with interest at
Bank rate from due date of payment of actual date of
payment.
- (iii) For a direction on the respondent to sanction and
release entire leave encashment, group insurance and
medical aid amount along with interest at Bank rate

from due date of payment to actual date of payment.

- (iv) *For a direction on the respondent to pay remaining provident fund amount to the tune of Rs. 6 lacs approx.*
- (v) *For a direction on the respondent to pay difference of salary during the period of suspension w.e.f. 16.10.93 to 12.03.95 and to pay full salary from 13.03.95 to 31.03.2009 with interest at bank rate from due date of payment to actual date of payment."*

this Court would find that the entitlement of the petitioner to receive any and every retirement benefit would remain dependent on the order of punishment which has to be now passed by the respondent Bank in terms of the direction issued by this Court in the judgment dated 26.9.2014 in CWJC No. 5246 of 1998 wherein this Court, having set aside the order of punishment of dismissal from service, has remitted the matter back to the Disciplinary Authority to proceed further against the petitioner for passing a fresh order. Once this aspect becomes clear that the petitioner has yet not been cleared by the Bank and/or has been exonerated from the charges and fresh order of punishment is yet to be passed, this writ application, claiming full retirement benefit as if he has already been acquitted from all the charges, seems to be ill advised and misconceived.

This application is, accordingly, dismissed.

The dismissal of this writ application, however, will not stand in the way of the petitioner in getting his departmental proceeding concluded as per the earlier order of this Court.

Let it be noted that the Bank in fact has already filed an appeal against the order of the learned Single Judge setting aside the order of punishment and, therefore, it would be in the interest of justice that the Bank itself moves before the appellate court for expediting the hearing of appeal so that the petitioner can ultimately know his fate and future with regard to entitlement of his retirement benefit, if any.

(Mihir Kumar Jha, J)

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