

THE HON'BLE SRI JUSTICE DILIP B.BHOSALE

AND

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT APPEAL No.143 of 2015

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P.C: (per the Hon'ble Sri Justice A.Ramalingeswara Rao)

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This writ appeal is directed against the order, dated 20.01.2014, passed by the learned Single Judge in W.P.No.24664 of 2005 filed by the appellant herein challenging proceedings No.310/PD/CST/2005-2006, dated 03.06.2005, of respondent No.2 ordering compulsory retirement from service, confirmed in appeal by proceedings No.625/PD/CST/2005-06, dated 05.09.2005 of respondent No.1.

In the writ petition, it was stated by the appellant–petitioner that he was appointed as Field Supervisor in respondent No.1-Bank in 1980. He was promoted as Manager in 1984 and thereafter, was again promoted as Scale-II Officer. He was also a founder President of Sree Anantha Grameena Bank Adhikarula Sangam (Officers Association) established in the year 2000. He further stated that in pursuance of the call given by All India Regional Rural Bank Employees Association (AIRRBEA), Calcutta directing all Grameena Banks affiliated to it to conduct 'Dharna' before all respective head offices on 21.04.2003 raising certain demands, they made Dharna. It appears that the appellant made a speech in the said Dharna and based on the same, Sree Anantha Grameena Bank placed him under suspension on 21.05.2003 on the ground that the speech addressed by him was inflammatory and projecting a distorted version of the financial position of the bank. A charge sheet was issued on 10.06.2003, but he was reinstated into service on the next date i.e.

on 11.06.2003 by posting him as Branch Manager. An enquiry Officer was appointed, who submitted his report on 20.01.2005. He was issued with an order of compulsory retirement by proceedings, dated 03.06.2005. Aggrieved by the same, the appellant preferred a statutory appeal before respondent No.1 and the order of compulsory retirement was confirmed by order, dated 05.09.2005. Challenging the same, the appellant filed W.P.No.24664 of 2005.

The learned Single Judge after going through the record came to the conclusion that the charge against the appellant was unsustainable and accordingly set aside the same. The learned Judge also set aside the order of respondent No.2, dated 03.06.2005, confirmed by respondent No.1 by order, dated 05.09.2005. The appellant was ordered to be reinstated into service together with continuity of service and attendant benefits. However, it was stated that he is not entitled for back wages for the period during which he was out of employment.

After receipt of the order of the learned Single Judge, it appears that the appellant gave an undertaking on 01.02.2014 to the Bank stating that he will not file appeal against denial of back wages to him by the learned Single Judge and based on the said undertaking, he was reinstated into service on 24.02.2014. Thereafter, he retired from service on 30.06.2014. He was also given statutory benefits which were permissible to him consequent to his retirement. Thereafter, after six months, he filed the present writ appeal seeking back wages for the period during which he was out of employment.

At the hearing of the writ appeal, learned counsel for the respondent-Bank produced before us, the undertaking given by the appellant on 01.02.2014. The appellant took time and filed additional affidavit stating the circumstances under which the undertaking was given by him. He states that he gave undertaking in view of the family circumstances and personal problems. But, the record clearly shows that he took order of reinstatement and continued in service till he retired on 30.06.2014 and at no point of time, he protested against the undertaking. There is no proper explanation for the delayed filing of the writ appeal also.

In the circumstances, we are not satisfied with the plea taken by the appellant. In our opinion, the order of the learned Single Judge, in the facts and circumstances of the case, is proper. The appellant cannot claim back wages for the period during which he was out of employment. We find no merit in the writ appeal.

Therefore, the writ appeal is dismissed at the admission stage.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B.BHOSALE,J

A.RAMALINGESWARA RAO,J

Dt:24.03.2015

kdl

