

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.18571 of 2015

Date: 30-6-2015

Between

Make Satya Prasad

... Petitioner

and

The Dy. MD (Per.) cum Chairman,
Reviewing Committee,
SBI, Corporate Centre,
State Bank Bhavan,
Nariman Point, Mumbai-400 021;
and 3 others

... Respondents

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.18571 of 2015

Order:

Heard Sri G.Seena Kumar, learned counsel appearing for the petitioner and Sri B.S. Prasad, learned Standing Counsel for the respondents 1 to 4-State Bank of India.

2. The petitioner while working as Assistant Manager (Accounts) in the respondents-Bank at Kotabommali Branch, Srikakulam district, was placed under suspension on certain charges. In respect of the same charges,

a case in Crime No.57 of 2003 for the offence under Section 409 IPC also was registered against him. Thereafter, a charge-sheet has been laid. He was tried for the said offence and acquitted by the Trial Court. Since no appeal is filed against the order of acquittal, it became final. In the meanwhile, in the departmental enquiry, the petitioner was dismissed from service. The present writ petition is filed against the said order of dismissal passed against him.

3. However, pursuant to the order of acquittal passed by the Criminal Court, the petitioner filed a petition dated 30-8-2014 seeking to review the dismissal order dated 20-02-2006 and the same is pending with the 1st respondent. The learned counsel appearing for the petitioner submits that the departmental enquiry as well as the criminal case are based on the very same charges and the evidence let in was also same and therefore, in view of the order of acquittal passed by the Criminal Court, the dismissal order dated 20-02-2006 is to be reviewed by reinstating him into service.

4. Without going into merits of the case, since the review petition is pending before the 1st respondent, the writ petition is disposed of directing the 1st respondent to dispose of the review petition dated 30-8-2014 in the light of the order of acquittal passed by the Criminal Court against the petitioner within a period of 3 (three) months from the date of receipt of a copy of this order. It is also made clear that

before passing order on the review petition,
an opportunity of hearing may be afforded to the petitioner.
The miscellaneous petitions, if any, pending in this writ
petition shall stand closed. No costs.

R.KANTHA RAO, J.

30th June, 2015.

Ak

Note:-

Issue C.C. in three days.

(B/o)

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30th June, 2015.
(Ak)