



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2016

CORAM:

WEB COPY

**THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE S.NAGAMUTHU**

W.A.(MD).No.498 of 2013

and

M.P.(MD)No.1 of 2013

1. State Bank of India,
Rep. by its Deputy General Manager,
Zonal Office, Maduram Complex,
No.2, Dr.Ambedkar Road,
Madurai-625 002.

2. The Assistant General Manager,
Region II State Bank of India,
Maduram Complex,
No.2, Dr.Ambedkar Road,
Madurai-625 002.

: Appellants

Vs.

A.Ramakrishnan

: Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the Order dated 08.02.2013, made in W.P.(MD).No.10248 of 2006 on the file of this Court.

Prayer in W.P.(MD).No.10248 of 2006:

Writ petition is filed under Articles 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamous, to call for the concerned records from the respondents, quash the order of the first respondent bearing Dis.Con.No.64 dated 28/04/2005 and the order of the second respondent bearing Dis.Con.No.832 dated 05/12/2003 and consequently direct the respondents to take into account the period of suspension viz., 15/04/1989 to 25/04/1991 for all service benefits, pay arrears of salary for the period of suspension, grant increment and incidental and all other attendant benefits.

For Appellants

: Mr.S.Sethuraman

<https://hcservices.ecourts.gov.in/hcservices/>
For Respondent

: Mr.S.Arunachalam

**JUDGMENT**

[Judgment of the Court was made by
The Hon'ble The Chief Justice]

The question involved in the present appeal arising from the impugned order dated 08.02.2013 is in respect of the suspension period from 15.04.1989 to 25.04.1991 i.e, whether the respondent is entitled to all service benefits, arrears of salary and other attendant benefits for this period.

2. The respondent was employed as a Clerk -cum- Cashier in the appellant Bank and during the course of employment, a case was registered against the respondent on a complaint by a lady, alleging that the respondent had promised to marry her and demanded dowry for getting married. The respondent was arrested on 21.04.1989 and was in judicial remand for a period of 17 days. However, the respondent was, ultimately, honourably acquitted, post trial, vide judgment dated 14.10.1993. The revision petition pressed against this order was finally withdrawn.

3. It appears that the respondent is alleged not to have informed the appellant Bank about his arrest but, was, subsequently, placed under suspension. He continued under suspension for the period specified aforesaid and subsequently, that suspension was revoked without prejudice to any disciplinary action that may be taken against the respondent. The period of suspension was to be treated as such.

4. The representation of the respondent against the period of suspension, depriving the respondent of his benefits, was not acceded to and the departmental appeal against the same was also dismissed.

5. The learned Single Judge, vide impugned order, after extracting the Bank Manual, came to the conclusion that since no disciplinary action was taken and the suspension was in anticipation of such disciplinary action, the period of suspension could not be treated as such and the respondent would be entitled to all the benefits. In fact, the conclusion is that in the absence of any disciplinary action, the suspension period cannot be treated as such.

6. On hearing the learned counsel for the parties, we find no infirmity with the aforesaid conclusion and in the well considered judgment of the learned Single Judge, in the conspectus of the facts set out hereinabove. Indisputably, there were no disciplinary proceedings. The suspension in a sense arose on the respondent's detention pursuant to the complaint, where the respondent was honourably acquitted. Writ Appeal is, therefore,



dismissed. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

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Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

+ 1 CC TO Mr.S.ARUNACHALAM, ADVOCATE IN SR No. 59172
+ 1 CC TO Mr.S.SETHURAMAN, ADVOCATE IN SR No. 57891

SML/GB

TE/PV : 17/10/2016 : 3P/3C

JUDGMENT MADE IN
W.A.(MD).No.498 of 2013
Dated:
03.10.2016