

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.60 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 1413 of 2005**

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Ram Shankar Chaudhary, Son of late Raghubir Chaudhary, Resident of Village and Post at Majhulia, P.S. Rameshwar Nagar, Near Ashok Paper Mills, Laheria Sarai, District Darbhanga.

.... Appellant/s

Versus

1. The State Bank of India through Chief Manager, Darbhanga City, Post and District Darbhanga.
2. The Branch Manager, State Bank of India, Darbhanga City, District Darbhanga.

.... Respondent/s

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Appearance :

For the Appellant/s :

For the Respondent/s : Mr. Kaushlendra Kumar Sinha, Sr. Advocate
Mr. Sunil Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 24-04-2017

None appears for the appellant. Sri Kaushlendra Kumar Sinha, learned counsel representing the Bank is present. None is appearing for the appellant for more than two occasions.

2. We have heard learned counsel for the respondent



Bank and we have gone through the records and also took a note of reasons that weighed with the learned Writ Court in dismissing the writ petition.

3. Appellant who had taken voluntary retirement and was granted post retiral benefits by counting his total period of service as 23 years felt aggrieved by the act of the bank in not granting him the service benefit taking his total period of service as 28 years. Learned Writ Court took note of various aspects of the matter and found that even though appellant was an employee of the Bank for 27 years 8 months and 27 days but during this period he was unauthorizedly absent for 4 years 10 months and 9 days for which period even salary was not paid to him. He was declared as remained out of work without salary and under Rule 28 of the S.B.I. V.R.S. Rule his pensionary benefit has been calculated and the learned Writ Court has found this having been done in accordance with law, no indulgence has to be made. We find no error in the aforesaid order passed by the learned Writ Court as the appellant has been granted benefit pertaining to his Post Retiral claim in accordance to the service rendered by him actually in the bank and in doing so no error has



been committed warranting reconsideration.

4. The Letters Patent Appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
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