

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 229 of 2017**

1. State Bank Of India Through Its Chief General Manager, Local Head Office Hoshangabad Road, Bhopal 462011 (Madhya Pradesh).
2. Assistant General Manager (HR) State Bank Of India, Industrial Relation Cell, Human Resources Development, Local Head Office Hoshangabad Road, Bhopal 462011 (Madhya Pradesh)
3. Chief Manager (Admin) State Bank Of India, Regional Manager (VI), Regional Business Office, 3rd Floor Vikas Bhawan, Nehru Chowk, Bilaspur 495001.(Chhattisgarh)

---- Appellants**Versus**

- Rajendra Kumar Shrivastava S/o Late Shri L. L. Shrivastava, Aged About 73 Years R/o P- 31, Kranti Nagar, Jain Mandir Road PS & PO Tarbahar, Bilaspur, District Bilaspur (Chhattisgarh), Civil & Revenue District Bilaspur (Chhattisgarh).

---- Respondent

For Appellants	: Shri B.D. Guru, Advocate
For Respondent	: Shri Vivek Chopda, Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Sharad Kumar Gupta, Judge****Judgment On Board****Per Thottathil B. Radhakrishnan, Chief Justice****12.07.2017**

1. This Writ Appeal is by and on behalf of the State Bank of India (*hereinafter referred to as 'SBI'*). We have heard the learned Counsel for the Appellants and the learned Counsel for the

Respondent who is a former employee of SBI. He was 73 years old when he moved to this Court by filing the Writ Petition from which this Writ Appeal arises.

2. Respondent employee was involved in two C.B.I. cases which ultimately ended in his acquittal. In terms of the policy of the SBI in such cases, the employee is entitled for payment towards expenditure for defending those criminal cases. In an earlier round, in Writ Petition (S) No. 395/2013, through order dated 11.05.2015, this Court directed the bank to settle the claim of the employee by considering his acquittal as an honourable one. In this round, the learned Single Judge has taken the view that for the purpose of defending himself in two C.B.I. cases, he is entitled to an amount of Rs. 1,62,500/- as pleaded by him. Deducting the amount Rs. 41,750/- already paid by the Appellant-Bank, it was directed by the learned Single Judge to pay the remaining amount i.e. Rs. 1,20,750/-. This is under challenge.

3. We have bestowed our anxious consideration to the question as to whether the impugned judgment handed down in writ jurisdiction warrants interference through this intra Court appeal? We find that the learned Single Judge has addressed the issues raised in the Writ Petition by considering all the relevant facts and factors, and, in the realm of discretionary jurisdiction, has given the impugned direction which is not one that could be treated as wholly unavailable on the facts of the case and on the basis of materials on record. With this in view, we also take note of the fact that the learned Single Judge has cautiously mentioned that the observation

made in the impugned judgment is to be treated as one issued specifically on the facts of the case in hand and therefore, such directions is not for being treated as precedent. In such circumstances, we do not find our ways to interfere with the discretionary jurisdiction exercised by the learned Single Judge. This Writ Appeal therefore fails.

4. In the result this Writ Appeal is dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge