

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1297 of 2016

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

---- Petitioner

Versus

1. State Bank Of India Through Its Chief General Manager, Local Head Office Hoshangabad Road, P.S. Habibganj Bhopal 462011 (Madhya Pradesh)
2. Assistant General Manager (H R) State Bank Of India, Industrial Relation Cell, Human Resource Development, Local Head Office Hoshangabad Road, P.S. Habibganj Bhopal 462011 (Madhya Pradesh)
3. Chief Manager (Admin) State Bank Of India, Regional Manager (V I), Regional Business Office, 3rd Floor Vikas Bhawan, Nehru Chowk, P.S. Civil Lines Bilaspur 495001.(Chhattisgarh)

---- Respondents

For Petitioner – Shri Vivek Chopda, Advocate.
For Respondents – Shri BD Guru, Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order

27/04/2017

1. With the consent of the parties, heard the matter finally.
2. The petitioner had filed the instant WPS as the respondents have not settled the claim of the petitioner as required and as directed in WPS No. 395/2013 order dated 11.5.2015 passed by this Court.
3. It is submitted on behalf of the petitioner in nutshell that the amount as claimed by the petitioner in Annexure P2 is not approved by

the respondents as required though they have approved the least amount without any lawful reason for the same. During the arguments, it is submitted that in Sr. No. 3 to 6 there is no dispute. The respondents settled the claim in both of the Sr. Nos. as prayed by the petitioner. Hence, the petitioner is not pressing for any more amount so far as Sr. No. 3 to 6 are concerned. The petitioner is submitting the details of the amount claimed on behalf of the petitioner and amount approved by the respondents:

S.No.	Particulars	Amount Claimed	Amount Approved
1.	CBI Case no.29/04 Dt.08.06.95	69000/-	9000/-
2.	Hearing fees (approved @ 250/- per Hearing *50)	25000/-	12500/-
4.	CBI Case no.17/04 Dt.08.06.95 (Advocate fees)	46000/-	9000/-
5.	Hearing fees (approved @ 250/- per Hearing * 45)	22500/-	11250/-
	Total	162500/-	41750/-

It is submitted that the difference amount of Rs. 1,20,750/- is not settled and given to the petitioner hence, prayed that the Court may please to issue a writ of appropriate nature directing the respondent- authorities to approve the remaining amount of Rs.1,20,750/- and it should be paid to the applicant. Also prayed that appropriate interest may also be given to the petitioner as he is since long praying for the settlement of his bill as aforementioned.

4. On the other hand, learned counsel for the respondents relied on a letter No. GEN/25 of 1996-97 dated 17.6.1996 issued by Shri SC Das, General Manager (D& PB). The said letter is regarding the amendment in the schedule of legal directories fee in the Civil Suits, Appeals and Misc. Cases as applicable in the State of MP (as equally applicable for the

present State of CG which was earlier part of the unified State of MP). Learned counsel submits that in Rule 523 of clause (2) and (iv) it is mentioned as “ If the value exceeds Rs.50000/- on Rs.50000/- as above and on the remainder 2 percent subject to a maximum of Rs.7500/-” is attracted in the present matter and on the basis of the aforementioned letter, the respondents had approved the amount of Rs. 41,750/- in respect of amount claimed Rs.1,62,500/-. Hence, it is prayed that the respondents have approved the amount as aforementioned which is permissible under the Rules, hence the instant WPS may be dismissed as not maintainable.

5. Perused the entire matter.

6. This Court in order dated 11.5.2015 in WPS No. 395/2013 directed the respondents in para 10 which is reproduced here for the relevance:

10. The petition filed on behalf of the petitioner under Article(s) 226/227 of the Constitution of India is hereby allowed. The respondents are directed to settle the claim for reimbursement as per rules and policy of the respondents regarding reimbursement as the petitioner is acquitted by the Courts below and against both of the acquittal no appeal is preferred, consequently, acquittal of the petitioner is final for the moment, he is finally acquitted by the trial Courts, the word honourably as used in both the circulars is not a bar in rejecting his claim as there is no any honorably acquitted legal term in the procedure of law and in the entire statute. The respondents are directed to settle the claim of the petitioner while considering his acquittal which is well within the word honourably. The respondents are directed to dispose of the claim of the petitioner within 4 months from the receipt of the order either by presentation of the petitioner or otherwise.

7. In compliance of order passed by the Court, the petitioner asked for the amount incurred by him while defending himself in the

aforementioned matter and the respondents allowed the claim to the extent as aforementioned.

8. Learned counsel for the respondents placed reliance on a letter aforementioned dated 17.6.1996 of Clause (2) sub-clause (iv) of Rule 523.

9. On bare reading of the said sub-clause and clause it appears, that is for the suits and appeals decided on merits i.e. for the civil matters. On the other hand, the petitioner's claim was regarding defending himself in 2 criminal cases. The contents as aforementioned in the said clause and sub-clause is not for any matter in relation to criminal proceedings. Besides this, the respondents failed to place any material before this Court so as to demonstrate the lawful deduction in the amount claimed which appears that there is no provision for defending the employee of the respondents in a Cr. Case neither there is any provision for the permissible fee in a connected head. If so the petitioner cannot be deprived of the settlement of amount he claimed for criminal litigation as aforementioned. With this, this Court is of the considered view that the petitioner is liable for the amount claimed in the matter without any deduction as there is no any basis shown on behalf of the respondents for the said deduction and part acceptance of amount claimed.

10. On due consideration, the instant WPS is hereby allowed. The respondents are directed to pay the difference amount of Rs.1,20,750/- within three months from the date of order, failing which, the respondents shall also pay the petitioner the interest in addition @ 6% per annum till the payment of the said amount.

11. Looking to the entire facts and circumstances of the case the prayer for interest prior to the filing of instant WPS is hereby denied. The

observation in the instant WPS shall not be construed as direction to the respondents in general for other matter. The effect of present order shall be limited to the present WPS only.

12. With these directions, the WPS is hereby disposed of.

Sd/

(Chandra Bhushan Bajpai)
Judge