

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2017

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THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

W.P.Nos.11029 & 11030 of 2003

S.Venkatesan

...Petitioner in
both the W.Ps.

-Vs-

1. State Bank of India
rep. By its Chairman and
Managing Director,
Central Office,
Backbay Reclamation Buildings,
Mumbai.
- 2.The Appellate Authority,
(Chief General Manager) (D & PB)
State Bank of India,
Local Head Office,
Chennai 600 001.
- 3.The General Manager(D & PB)
(Disciplinary Authority),
State Bank of India,
Local Head Office,
P.B.No.187, 21, Rajaji Road,
Chennai 600 001.
- 4.The General Manager
(Appointing Authority)
State Bank of India,
Local Head Office,
Chennai.

5.The Deputy General Manager,
(Disciplinary Authority),
State Bank of India,
Disp.Proceedings Bell,
Zonal Office, Madurai.

6.The Deputy General manager,
State Bank of India,
Zonal Office,
Madurai.

7.The Assistant General Manager,
State Bank of India,
Region – III,
Zonal Office,
Madurai.

8.The General Manager (D& PB)
(Appellate Authority)
Local Head Office, P.B.No.737,
Aparana Complex,
16, College Lane,
Chennai 600 006.

...Respondents in both W.Ps.

Prayer in W.P.No.11029/03: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the order of the fifth respondent bearing No.DIS.COn.614, dated 24.10.2001 and the order of the eighth respondent dated 23.09.2002 under cover of his order bearing A & R/33, dated 30.09.2002 and quash them directing the first respondent to reinstate the petitioner with all consequential service benefits including backwages, refixation of pay, continuity of service, seniority and treating the period of suspension as on duty

Prayer in W.P.No.11030/03: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the order of the fourth respondent dated 17.07.2001 and the order of the eighth respondent dated 23.09.2002 and quash the same in so far as it relates to denial of backwages, treating the period spent out of service by the petitioner seniority, as not countable for the seniority/increment/promotion and treating the period of suspension on suspension only and direct the fourth respondent to grant the petitioner's backwages count the period spent by him out of service for seniority/increment/promotions and treat the period of suspension as on duty.

For Petitioner : Mr.Kalyanaraman
in both W.Ps. for M/s. Aiyar & Dolia

For Respondent-5 : Mr.S.Kanniah
in both W.Ps.

COMMON ORDER

Mr.Kalyananraman, learned counsel for the petitioner submits that the petitioner died on 18.03.2008. However, instructions had been received from the petitioner's wife that the respondent bank has already settled the dues payable to the petitioner which had been received by the petitioner's wife one Mrs. Vidya Venkatesan. In this regard, the learned counsel for the petitioner produced the letter

issued by the bank dated 09.03.2009 which reads as hereunder:

"TO WHOMSOEVER IT MAY CONCERN

This is to certify that Mrs.Vidhay Venkatesan, w/o. (late) Mr.S.Veniatesan,I (PF No.1471155) Asst.Manager at our Branch, has been paid the following amounts as benefits due to be paid to late Mr.S.Venkatesan:

Sr.No.	Particulars	Amount	Date
1.	Provident Fund Settlement	3,35,214/-	27.08.2008
2.	Leave encashment	1,07,865/-	27.08.2008
3.	Gratuity	3,50,000/-	22.07.2008

Out of the above amounts, various loans availed by (Late) Mr.S.Venkatesan has been closed on different dates as under:

Sr.No.	Loan	Amount	Date of Closure
1.	Staff Computer Loan	37,631/-	22.07.2008
2.	Personal Loan	2,93,374/-	22.07.2008
3.	OD account	96,625/-	27.08.2008
4.	Vehicle loan	18,400/-	28.07.2008
5.	Festival advance	4,000/-	26.08.2008
6.	Flood loan	18,109/-	26.08.2008

Date:09.03.2009

For STATE BANK OF INDIA
Manager (Accts & Admn.)"

2. In view of the said submission as the dues payable to the petitioner since has been paid by the respondent bank, the learned counsel for the petitioner on instructions submits that no further issue is pending in these writ petitions for adjudication.

3. Recording the said submissions made by the learned counsel for the petitioner, these writ petitions are dismissed as it requires no further adjudication in this court. No costs.

Index: Yes/No
Internet: Yes/No
smi

11.12.2017

To

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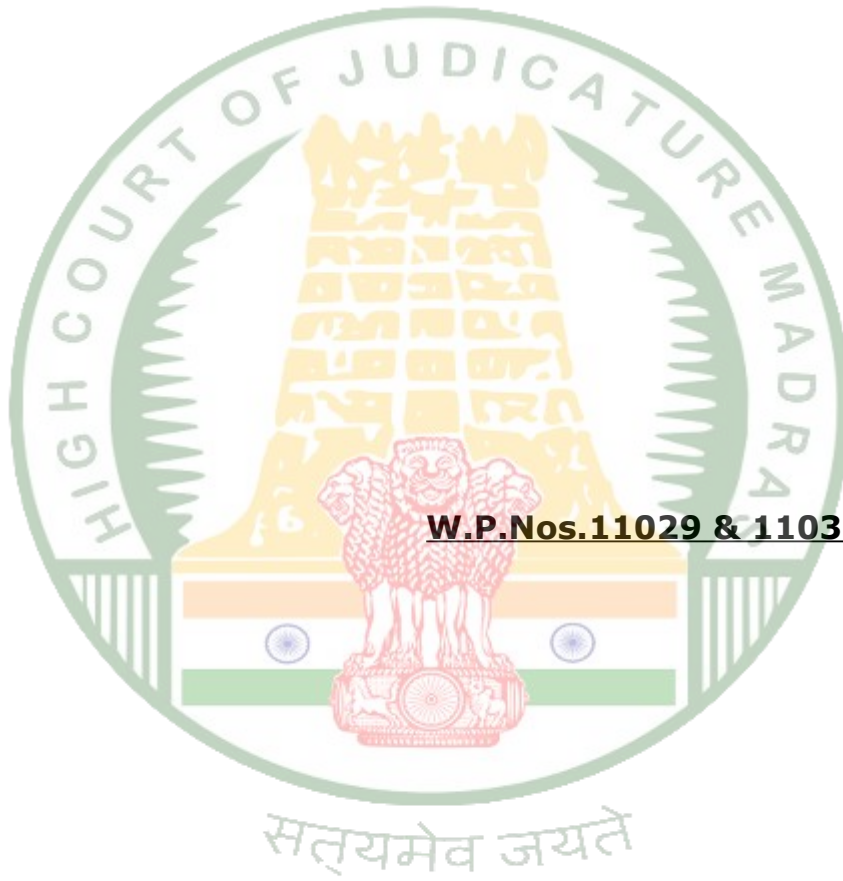
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R.SURESH KUMAR, J.

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