

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.13097 of 2003

K.Thakshinamurthy

... Petitioner

Vs.

1. The Chief General Manager,
Appellate Authority,
State Bank of India,
Local Head Office,
No.16, College Lane,
Chennai - 600 006.
2. The General Manager (D & PB)
(Appointing Authority)
State Bank of India,
Local Head Office,
No.16, College Lane,
Chennai - 600 006.
3. The Deputy General Manager and
Circle Credit Officer,
(Disciplinary Authority)
State Bank of India,
Zonal Office,
No.2, Melur Road,
Madurai - 625 002.

... Respondents

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, to call for the records, relating to the order, dated 13.03.2003, made in No.A & R/121, dated 15.03.2003, passed by the first respondent, confirming the order, dated 18.01.2003, passed by the second respondent and the proceedings reference in Disc.Con.No.1119, dated 21.01.2003, issued by the third respondent and to quash the same, and to direct the second respondent to reinstate the petitioner in service with all attendant benefits.

For Petitioner : Mr.G.Ethirajulu

For Respondents : Mr.P.Sukumar

O R D E R

Heard Mr.G.Ethirajulu, the learned counsel appearing for the petitioner, and Mr.P.Sukumar, the learned counsel for respondents.

2. The challenge in this Writ Petition is to the order, dated 13.03.2003, passed by the first respondent/Appellate Authority, whereby, the order, dated 18.01.2003 passed by the second respondent, Appointing Authority, dismissing the petitioner from service has been confirmed, as well as the consequential proceedings, dated 21.01.2003, issued by the third respondent, and consequently, to direct the second respondent to reinstate the petitioner in service with all attendant benefits.

3. The petitioner was working as Clerk-cum-Typist in the State Bank of India. Thereafter, he was further promoted to the following posts i) Trainee Office, ii) Junior Management Grade, Scale - I and iii) Middle Management Grade, Scale -II. While the petitioner was rendering service as Middle Management Grade, Scale-II, on account of certain irregularities committed by the petitioner, he was placed under suspension, vide proceedings, dated 12.10.1998. While he was departmentally proceeded with, simultaneously, criminal proceedings were also initiated against him by the Central Bureau of Investigation (ACB) for the offence under Sections 468, 467, 471, 420 and 201 IPC read with Sections 13 (2) and 13 (1) (d) of Prevention of Corruption Act, and the learned Special Judge for CBI Cases, Madurai, found him guilty of the offence and passed a judgment of conviction and sentence against the petitioner. Against the said judgment, the petitioner preferred Appeals on the file of this Court, in C.A.Nos.1858, 1859 and 1960 of 2002, the same were dismissed by this Court, by judgement, dated 31.12.2002, and the further Appeal to the Hon'ble Supreme Court was also dismissed, by judgment, dated 13.09.2010. Such being the factual circumstances of the case, there is no scope for considering the grounds raised in the Writ Petition, in any angle. It is needless to state that, when an employee of the State Bank of India was convicted by a Criminal Court and the Appeals filed by him were also dismissed by the High Court as well as the Supreme Court, order of termination is only consequential, and as per the Service Rules, convicted person cannot continue as employee of the Government Undertakings.

4. Therefore, I do not find any illegality or perversity in the order passed by the first respondent and the consequential order passed by the third respondent. Accordingly, the Writ Petition is dismissed as being devoid of merits. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

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State Bank of India,
Zonal Office,
No.2, Melur Road,
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+1cc to Mr.G.Ethirajulu, Advocate, S.R.No.19262

+1cc to Mr.P.Sukumar, Advocate, S.R.No.19084

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PVS(CO)
CA(31/08/2017)