

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.7256 of 2009**

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Devendra Kumar Sinha, S/o late Krishna Chandra Prasad Aged 54 years, C/o Smt. Jai Shankar Prasad, Mangal Dip Apartment, Flat No. 22, Patliputra Colony, P.S. Patliputra Colony, Town and District Patna.

.... .... Petitioner/s

Versus

1. The State Bank of India, Corporate Centre, Mumbai through the Chairman.
2. The Dy. Manager, Director & Corporate Development Officer, State Bank of India, Corporate Centre Mumbai.
3. The Chief General Manager, State Bank of India, Local Head Office, West of Gandhi Maidan, P.S. Gandhi Maidan in the town and district Patna.
4. The General Manager (Net Work II) State Bank of India, Local Head Office, West of Gandhi Maidan P.S. Gandhi Maidan in the town & Dist. Patna.
5. The Dy. General Manager Vig.) State Bank of India, LHO, West of Gandhi Maidan, P.S. Gandhi Maidan in the town & district Patna.
6. The Assistant General Manager IHR) State Bank of India, Local Head Office, West of Gandhi Maidan, P.S. Gandhi Maidan in the town & Dist. Patna.
7. The Asst. General Manager (Adm.) State Bank of India, Administrative Office, Bhagalpur.
8. The Regional Manager (Region-5) State Bank of India, Regional Office, Bhagalpur.
9. The Chief Manager, State Bank of India, Godda Branch, Godda, Dist. Godda-Jharkhand.
10. The Union of India through the Secretary, Central Vigilance Commission, Satarkata Bhawan, General Pool Offices Complex, Block A, INA, New Delhi.
11. The Chief General Manager, Reserve Bank of India, Department of Banking Operation and Disciplinary Proceeding Central Office, Shahid Bhagat Singh Road, Mumbai.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rajendra Prasad, Adv.  
Mr. Manish Rai Sharma

For the Respondent/s : Mr. Rakesh Kumar Singh, Adv.

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

**ORAL JUDGMENT**

**Date: 23-01-2018**

Heard learned counsel for the parties.

In this case, the petitioner was appointed as Clerk-cum-typist on 11.1.1979 and he was promoted to the post of JMG on 1.8.1986. At the relevant time, the petitioner was posted in the State



Bank of India, Gaya Branch, Gaya but, while posted at Dhanbad as MMGS II, a criminal case was instituted against the petitioner and two others which was registered as RC 02(E)/ 98-D for offence under Sections 420 read with 120B, 467 read with 120B, 468 read with 120B, 471 read with 120B, 477A read with 120B of the Indian Penal Code and Section 13(2) read with 13(1)(d) of the Prevention of Corruption Act in which he was convicted by Additional District & Sessions Judge VIII cum Special Judge, C.B.I., Dhanbad vide judgment dated 11.4.2007 and, in pursuance thereof, after the conviction, the Bank, in exercise of power under Section 10(1)(b)(i) of the Banking Regulation Act, 1949, the petitioner was discharged from service.

The petitioner filed an appeal before the Jharkhand High Court in Appeal No. 480 of 2007 and the Jharkhand High Court recorded the acquittal of the petitioner in the aforesaid case whereafter the petitioner has been reinstated by the Bank.

The present case is only confined to the grant of back wages to the petitioner for the period he remained out of service on account of passing the order of discharge in pursuance of the order of conviction passed in the criminal case against the petitioner.

Learned counsel for the State Bank of India has placed reliance on the judgment in the case of *State Bank of India Vs. Mohd. Abdul Rahim* reported in 2013 (11) SCC 67. The fact of this case is



completely identical to the present case. There also the question arose about the back wages for the period the person remained out of service on account of recording of the conviction against him. The Court has arrived to a finding that on account of Section 10(1)(b)(i), after recording the conviction, automatically the petitioner will be discharged from service and so long the order of conviction stands, the Bank cannot reinstate the petitioner and, in that circumstances, the Court has refused to grant the benefit of back wages. As the present case is entirely covered by the case of *Mohd. Abdul Rahim* (supra), no benefit of back wages can be given to the petitioner.

Learned counsel for the State Bank of India has submitted that the petitioner has been granted back wages from the date of acquittal up to the date of reinstatement and the same has not been contradicted by the counsel for the petitioner. In that view of the matter, the petitioner is not entitled to any relief.

With the aforementioned observation, this writ application is dismissed.

(Shivaji Pandey, J)

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