IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.911 of 2017

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Dharmendra Kumar Ambastha @ Dharmendra Kumar son of Late Nawal Kishore Prasad resident of village - Sona Gopalpur Dih, Police Station - Gopalpur, District - Patna.

.... Petitioner/s

Versus

1. Allahabad Bank (A Government of India Undertaking) through the Managing Director, H.O. - 2, N.S. Road, Kolkata.
2. Chief Manager, Allahabad Bank, Main Branch, Opposite Kotwali Thana, Budh Marg, Patna.
3. The Deputy General Manager, Zonal Office (Main Branch Premises), Budh Marg, Patna, Allahabad Bank, Budh Marg, Patna.
4. The Senior Manager, Allahabad Bank, Arunachal Bhawan, Exhibition Road, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Allahabad Bank : Mr. Shiv Mohan Saha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 17-05-2018

Heard learned counsel for the petitioner and Allahabad Bank.

2. The petitioner has moved the Court for the following reliefs:

“ *That this is an application for issuance of writ in the nature of writ of mandamus or any other appropriate writ or writs, order or direction commanding the Respondents to release post retiral dues toward full gratuity, provident fund, leave encashment for 240 days and computation value of pension assessed to be paid to a sum of*

> *Rs. 321729/- arbitrarily and unlawfully with held since 31.12.2014, the date of retirement of petitioner from Bank service and the respondents be further directed to pay the entire post retiral dues with interest and penal interest for delayed payment."*

3. After hearing the parties at length and going through the materials brought on record on behalf of the Allahabad Bank, learned counsel for the petitioner submitted that he may be permitted to withdraw the writ petition with liberty to move before the Bank authorities for an amicable settlement, after sitting with them relating to the liquidation of the demand/claim of the Allahabad Bank with regard to accounts in which the petitioner was the guarantor and had mortgaged his property in all outstanding issues, including loan, over draft etc., both with regard to himself and his son as well as the issue of having sold the mortgaged property.

4. Learned counsel for the Allahabad Bank submitted that the conduct of the petitioner is fraudulent.

5. Be that as it may, the writ petition stands disposed off as withdrawn with liberty to the petitioner to approach the Allahabad Bank authorities, with regard to all outstanding issues, for an amicable settlement, in accordance with law, and within the parameters of what may be permissible.

6. If the petitioner approaches the Bank within three weeks from today, along with a detailed representation and proposal, head-wise, the Competent Authority shall consider the same, after giving an opportunity of hearing to the petitioner, and then pass a reasoned order thereupon within four weeks from the date of filing of such representation. The consequences flowing from the said decision shall be acted upon by the parties.

(Ahsanuddin Amanullah, J)

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