

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED :23.11.2018  
CORAM  
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM  
W.P.No.25423 of 2003

S.Venkatesan

... Petitioner

Vs

1. The Managing Director,  
State Bank of Travancore,  
Head Office, Poojapura,  
Thiruvananthapuram - 695 012.

2. The Zonal Manager,  
State Bank of Travancore,  
Zonal Office,  
No.383, Anna Salai, Chennai - 600 018.

3. The General Manager,  
State Bank of India,  
No.16, College Road,  
Nungambakkam, Chennai - 600 006.

(R3-impleaded as per order dated 12.04.2018  
in W.M.P.No.29567/2017 in W.P.No.25423/2003) ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to grant the Petitioner all consequential benefits consequent on his acquittal in Criminal Appeal No.129/1994, including commutation of pension as on the date of his retirement (30-09-1999), regular pension with effect from 30-09-1999, salary and other allowances for the period of suspension (March 1987 to August 1990), and the promotions due to the petitioner which were kept under sealed cover during the pendency of the criminal appeal.

For Petitioner : Mr.P.Manojkumar

For Respondents : Mr.S.Jayaraman (for RR1 & 2)

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ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents to grant the Petitioner all consequential benefits consequent on his acquittal in Criminal Appeal No.129/1994, including commutation of pension as on the date of the writ petitioner retirement (30-09-1999), regular pension with effect from 30-09-1999, salary and other allowances for the period of suspension (March 1987 to August 1990), and

the promotions due to the writ petitioner which were kept under sealed cover during the pendency of the criminal appeal.

2. The petitioner was appointed as a Clerk in the State Bank of Travancore on 23.09.1964. He was promoted as Junior Manager-I on 01.07.1977. The petitioner was further promoted as Deputy Manager with effect from 1984. On account of certain allegations, the writ petitioner was placed under suspension by the order of the Managing Director dated 06.03.1987. The case against the writ petitioner was in relation to the corruption and the Director, Vigilance and Anti-Corruption, Chennai had registered a criminal case against the writ petitioner. However, the petitioner was reinstated on 26.07.1990 during the pendency of the criminal case. The respondent bank revoked the order of suspension without prejudice to the criminal case pending against him.

3. The learned counsel for the writ petitioner made a submission that the writ petitioner was convicted by the Trial Court on 14.02.1994. The petitioner preferred an appeal in Criminal Appeal No.129/1994 and the appeal filed by the writ petitioner was allowed and he was acquitted from all the allegations.

4. The grievances of the writ petitioner is that though he was acquitted from the criminal case, his terminal and pensionary benefits are not settled taking into account the date of retirement i.e., on 30.09.1999. Thus, the writ petitioner is constrained to move the present writ petition.

5. The learned counsel appearing on behalf of the respondents disputed the contentions by stating that the writ petitioner had involved in a serious misconduct of corrupt activities and no doubt, the Trial Court convicted him and on appeal, the writ petitioner was acquitted by the Appellate Court. The provisional pension was already sanctioned in favour of the writ petitioner and the amount of provisional pension is equivalent to that of the regular pension and therefore, the writ petition deserves no further consideration.

6. In paragraph 8 of the counter statement, it is admitted that the petitioner had retired from service on 30.09.1999 after completing 30 years of service and on attaining the age of 58 years. The petitioner was granted provisional pension under Regulation 46 of the State Bank of Travancore (Employees) Pension Regulations, 1995 framed under Sec.63 of the State Bank of India (Subsidiary Banks) Act, 1959. Regulation 46 of the Pension Regulations specifically states that the employees, who has retired from the service of the Bank and against whom any judicial proceedings are continued, shall only be eligible for provisional pension equal to maximum pension which would have

been admissible to him. Therefore, the petitioner has been receiving full pension by way of provisional pension. The provisional pension was sanctioned by the competent authority and the Chief Manager (PPG) had only conveyed the decision Reg.47 of the Pension Regulations specifically states that an employee against whom judicial proceedings have been continued after his retirement shall not be eligible to commute a fraction of pension.

7. The counter statement filed by the respondents proceeds on the footing that the criminal cases are pending. Undoubtedly, on the date of attaining the age of superannuation, if the criminal proceedings are pending against an employee, he would be entitled to get only the provisional pension and not the regular pension. However, on completion of the criminal proceedings and in the event of an order of acquittal, then the employee would be eligible to get the full regular pension as per the regulations. The case of the writ petitioner was proceeded on the ground that he was receiving the provisional pension and on the date of retirement, the criminal proceedings were pending against him.

8. Now, it is brought to the notice of this Court that the criminal appeal filed by the petitioner was allowed and he is acquitted from the criminal charges. Thus, he must be allowed to retire from service on attaining the age of superannuation with retrospective effect on 30.09.1999 and all his terminal and pensionary benefits are to be settled in accordance with the regulations as the writ petitioner had exonerated from all the allegations. It is clarified that no departmental disciplinary proceedings are pending against the writ petitioner. At the time of retirement, the criminal appeal was pending and the appeal ended in favour of the writ petitioner on 18.09.2001 and he was acquitted from the charges.

9. This being the factum, the respondents are bound to settle all the terminal and pensionary benefits as applicable to the regular employees in accordance with the service rules and the provisional provision already paid to the writ petitioner is to be adjusted towards the pension, which is to be calculated now and the balance is to be settled in favour of the writ petitioner.

10. In this view of the matter, the respondents are directed to settle all the pensionary and terminal benefits including commutation with effect from his date of retirement on 30.09.1999 and settle the arrears of pension and other terminal benefits within a period of twelve weeks from the date of receipt of copy of this order.

11. Accordingly the writ petition stands allowed. However, there shall be no order as to costs.

Sd/-  
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

kak/mtl

To

1.The Managing Director,  
State Bank of Travancore,  
Head Office, Poojapura,  
Thiruvananthapuram - 695 012.

2.The Zonal Manager,  
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Zonal Office,  
No.383, Anna Salai,  
Chennai - 600 018.

3.The General Manager,  
State Bank of India,  
No.16, College Road,  
Nungambakkam,  
Chennai - 600 006.

+1cc to Mr.P.Rajendran(for Mohanraj), Advocate, S.R.No.80036  
+1cc to Mr.S.Jayaraman, Advocate, S.R.No.79971

W.P. No.25423 of 2003

KAN(CO)

rrs 19/12/2018

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