

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.20223 of 2004

ORDER:

When the matter is taken up for hearing, learned counsel for the petitioner submits that the petitioner was working as Manager with the respondent. The respondent had served Charge Memo dated 11.5.2002, just three days before retirement of the petitioner on 27.5.2002 and that the petitioner has attained the age of superannuation on 31.5.2002. The petitioner submitted explanation to the charge memo on 16.12.2002 and thereafter, the respondent had not concluded the disciplinary proceedings till date. Learned counsel for the petitioner further submits that as per the regulations of the respondent bank, there is no provision in the regulations to continue the disciplinary proceedings after retirement. Challenging the action of the respondent, the present writ petition is filed.

On 18.1.2005, this Court granted interim direction directing the respondent to release gratuity to the petitioner.

Learned counsel for the petitioner further submits that in pursuance of the interim direction, the respondent has released gratuity amount, but, however, the leave salary, security deposit and group insurance benefits were not released to the petitioner. Learned counsel also submits that appropriate orders may be passed directing the respondent to release the balance retirement benefits.

Learned Standing Counsel appearing for the respondent bank had contended that the earned leave has been kept in fixed deposit and if the disciplinary proceedings are not concluded, the petitioner may make a representation to the respondent bank and the respondent will consider the said representation and pass appropriate orders.

This Court having considered the rival submissions made by the parties is of the considered view that since the respondent bank had not concluded the disciplinary proceedings said to have been initiated in May, 2002, more so, when there is no provision in the regulations, at this point of time, the question of continuing the disciplinary proceedings after a lapse of 14 years may not be permissible under law.

Accordingly, the Writ Petition is allowed and the disciplinary proceedings initiated against the petitioner in pursuance of the Charge Memo dated 11.5.2002 are set aside. The respondent is directed to release the leave salary, security deposit and Group Insurance benefits to the petitioner within a period of four weeks from the date of receipt of a copy of this order. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 21/12/2018

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