

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.10881 of 2002

ORDER

This writ petition is filed seeking a writ of certiorari to quash the order dated 14.01.2000 in Rc.No.8511/99-2000 passed by the second respondent and to direct the respondents to treat the services of the petitioner as on duty from the date of his suspension till the date of retirement i.e., 30.04.2001 and to release all retiral benefits to him.

2. When the matter is taken up for hearing, Sri Y.M. Kantaiah, amicus curie, submitted that while the petitioner was working as Manager in the second respondent Bank, he was placed under suspension on 03.04.1998 on the ground of certain irregularities and charge sheet was issued against him and that after conducting enquiry, the second respondent passed orders on 14.01.2000 imposing the punishment of dismissal from service, and challenging the same, the petitioner filed an appeal and the same was also dismissed.

3. This Court, while admitting the writ petition, was pleased to grant interim suspension on 22.07.2002 by following the judgment of the Apex Court in **S.B.I and others v. Arvind K. Shukla**¹ and by virtue of the interim order, the petitioner was allowed to continue in service. During pendency of the writ petition, the petitioner retired from service.

¹ AIR 2001 SC 2398

4. The only issue is about the payment of retiral benefits to the petitioner. Sri Y.M.Kantaiah, amicus curie, contended that in the entire allegations levelled against the petitioner, there is no misappropriation or fraud is found, but only some procedural irregularities were alleged at the time of disbursing of loans and no monetary loss was caused to the second respondent Bank.

5. This Court, having considered the said submissions, is of the considered view that ends of justice would be met if a direction is issued to the petitioner to submit a representation to the second respondent for release of the retiral benefits, within two weeks from the date of receipt of a copy of this order, and on receipt of such representation, the second respondent shall consider and pass appropriate orders in accordance with law, within four weeks thereafter, if not already released.

6. With the above direction, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

20th November, 2018

sj