

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2334 of 2016

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Arjun Yadav Son of late Mittu Yadav of Vill- Koili , Po Khutaha, P.s
Jagdishpur, Distt Bhagalpur.

... .. Petitioner

Versus

1. The State Bank Of India through the Chairman, State Bank of India, Corporate Centre, Madam Cama Rload, Nariman Point, Mumbai -400021
2. The Chief General Manager, State Bank of India, Local Head Office, West Gandhi Maidan, Patna 800001
3. The General Manager, Network-1, State Bank of India, Local Head Office , West Gandhi Maidan, Patna,
4. The Deputy General Manager, State Bank of India, Zonal Office, Beatson Road, Bhagalpur, 812001
5. The Regional Manager, State Bank of India, Regional Business office, Beatson Road Bhagalpur, 812001
6. The Branch Manager, State Bank of India, Rannuchak Bhagalpur.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Kundan Kumar Sinha
For the Respondent/s : Mr.Kaushlendra Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 13-02-2019

Heard learned Counsel for the petitioner and the
learned Counsel for the respondent Bank.

2. The claim of the petitioner is for treating the period
between 30.6.2003, i.e. the date on which he was dismissed on
account of conviction in a criminal case, up till 25.2.2013 as the
period in service. The claim has been made since subsequent upon
his acquittal in the criminal case at the appellate stage the
petitioner was reinstated with effect from 25.2.2013.



3. The respondent Bank has filed a counter affidavit. Reliance is placed on a decision of the Apex Court in the case of Union of India & ors. vs. Jaipal Singh reported in (2004) 1 SCC 121 as also the judgment in the case of State Bank of India & anr. vs. Mohammed Abdul Rahim reported in (2013) 11 SCC 67.

4. Counsel for the Bank has rightly placed reliance on the said two judgments as the respondent Bank cannot in any manner be found at fault for keeping the petitioner out of service as he was out of service on account of conviction in the criminal proceeding for which the employer was not at fault.

5. Drawing attention of the Court towards para 12 of the judgment in the case of Mohammed Abdul Rahim (supra) it is submitted by the petitioner's Counsel that since the petitioner upon his acquittal in the criminal appeal on 27.8.2012 had already lodged his claim for reinstatement on 18.9.2012 the respondent cannot in any way be justified in keeping the petitioner out of service up till 25.2.2013. Between 18.9.2012 and 25.2.2013 there was no conviction justifying petitioner's removal from service. Since the respondent Bank has delayed reinstatement of the petitioner by about five months after the petitioner lodged his claim on 18.9.2012 this Court would observe that the petitioner cannot be denied the benefit of service subsequent to 18.9.2012 i.e.



the date on which he had submitted his claim for reinstatement. In case the petitioner has not been granted benefit of service with effect from 18.2.2012 this Court would direct the respondent Bank to treat the petitioner as reinstated with effect from 18.9.2012 and ensure that due consequential benefits are granted to the petitioner.

6. The writ petition stands allowed.

(Madhuresh Prasad, J)

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AFR/NAFR	AFR
CAV DATE	N/A
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