

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.16041 of 2019

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both parties.

This writ petition is filed seeking a Writ of Mandamus, declaring the action of the respondent Bank in sanctioning 2/3rd pension to the petitioner from 01.04.2013, without causing any notice, as illegal, void and against the principles of natural justice and also contrary to the Indian Bank Officer Employees' (Discipline & Appeal) Regulations, 1976 and contrary to the rights of the petitioner enshrined under Articles 14, 19 and 21 of the Constitution of India and sought a consequential direction to the respondent Bank to restore full pension along with the commuted value of pension from the date of superannuation and also interest for delayed payment in the interest of justice.

Heard Sri Chetluru Sreenivas, counsel for the petitioner, and Sri Ambadipudi Satyanarayana, Standing Counsel appearing for the respondents.

It has been contended by the petitioner that he was initially appointed as a Clerk and later on he was promoted as Assistant General Manager. It is stated that while he was discharging his duties, the respondents have initiated disciplinary proceedings for alleged irregularities in some loan transactions and, after conducting detailed enquiry, imposed the punishment of compulsory retirement vide proceedings dated 17.04.2013. Thereafter, the petitioner has

unsuccessfully preferred an appeal and the appellate authority has rejected the appeal. The grievance of the petitioner is that though the respondents have imposed the punishment of compulsory retirement, they are paying only 2/3rd pension on the ground that a criminal case i.e., C.C.No.3 of 2014 on the file of the Principal Sessions Judge for CBI Cases, Hyderabad, is pending against him.

Counsel for the petitioner submits that vide judgment dated 22.02.2018 in C.C.No.3 of 2014, the Principal Sessions Judge for CBI Cases, Hyderabad has acquitted the petitioner and thereafter the petitioner has submitted a representation requesting the respondents to release full pensionary benefits instead of only 2/3rd pension, but so far the respondents have not passed any orders on the said representation nor they are paying full pension to the petitioner. Therefore, counsel for the petitioner submits that appropriate orders be passed in the writ petition directing the respondents to consider the representation dated 02.04.2018 and pass appropriate orders in accordance with law.

Standing Counsel appearing for the respondents had submitted that the case of the petitioner would be considered and appropriate orders would be passed on the representation submitted by the petitioner in accordance with law. Standing Counsel further submitted that the petitioner is stated to have submitted a representation to the Managing Director and if the petitioner submits a representation to the respondents, then the respondents would consider the same and pass appropriate orders in accordance with law.

This Court, having considered the rival submissions made by learned counsel for the parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a fresh representation to the respondents within a period of two weeks from the date of receipt of a copy of this order and upon such representation being received, the respondents shall consider the same by duly taking into account the judgment rendered by the Principal Sessions Judge for CBI Cases, Hyderabad in C.C.No.3 of 2014 dated 22.02.2018, and pass appropriate orders in another eight weeks thereafter.

With the above directions, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

30th July 2019
v v