

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2020

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE
AND

The Hon'ble Mr.JUSTICE SUBRAMONIUM PRASAD
W.A.No.4247 of 2019

Shanmuga Sundaram

.. Appellant

-vs-

1. The Chief General Manager,
State Bank of India,
Local Head Office,
College Road,
Nungambakkam,
Chennai - 600 006.
2. The Deputy General Manager (B&O),
State Bank of India,
Zonal Office,
No.86,Rajaji Salai,
Chennai - 600 001.
3. The Assistant General Manager,
(Administrative Officer),
Disciplinary Cell Administrative Unit,
State Bank of India,
Chennai Network - 1,
No.86, Rajaji Salai,
Chennai - 600 001.

.. Respondents

Writ Appeal filed under Clause 15 of Letters Patent against
the order passed in W.M.P.No.31289 of 2019 in W.P.No.31163 of
2019 dated 06.11.2019.

WMP.No.31289 of 2019
in

Wp.No.31163 of 2019: Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to Direct the 1st Respondent to settle the Provident fund contribution with interest thereon for the delayed period Gratuity with interest thereon Salary Arrears from the date of Suspension Pension arrears with interest thereon 2 years leave fare concession arrears Medical benefits and other benefits as would be due otherwise under the rules and regulations prevailing at the relevant time Pending disposal of the above Writ Petition

WP.No.31163 of 2019:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to quash the impugned order No.DIS/CON/120 dated 09/06/2011 passed by the 3rd respondent.

For appellant : Mr.A.J. Mohamed Kassim
For respondents : Mr.S. Ravindran,
: Senior Counsel
for Mr.S. Bazeer Ahmed

JUDGMENT

(Delivered by The Hon'ble Chief Justice)

This appeal is directed against the order dated 06.11.2019, refusing to grant an interim order.

2. The writ petition has been filed against the order of dismissal of the appellant from service. A counter affidavit and typed set of papers have been filed on behalf of the respondents in the present appeal, indicating therein about the status of payments, to which the appellant is either entitled or has been paid and further as to such emoluments to which, he is not entitled on account of his dismissal. As a matter of fact, the entitlement of the appellant would be dependent upon the dismissal order being either confirmed or set aside by the learned Single Judge after contest.

3. In the wake of aforesaid submissions, we do not find any error in the impugned order declining to grant interim relief, but at the same time, it will be open to the appellant to receive emoluments about which reference is made in the

affidavit filed before us by the respondents and the same which is payable, according to the respondents, shall be paid to him as per the disclosure made in the affidavit.

4. The Writ Petition, which is still pending, may be disposed of and we, therefore, request the learned Single Judge to deal with the matter at the earliest. The respondent Bank, if it so chooses, may file its response in the writ petition as well.

5. The Writ Appeal is disposed of with the above said directions. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sr
To

1. The Chief General Manager,
State Bank of India,
Local Head Office, College Road,
Nungambakkam, Chennai - 600 006.
2. The Deputy General Manager (B&O),
State Bank of India, Zonal Office,
No.86, Rajaji Salai, Chennai - 600 001.
3. The Assistant General Manager,
(Administrative Officer),
Disciplinary Cell Administrative Unit,
State Bank of India, Chennai Network - 1,
No.86, Rajaji Salai, Chennai - 600 001.

+2 ccs to Mr.A.J.Mohammed Kassim Advocate sr20125

W.A.No.4247 of 2019

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