



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2021

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) Nos.11161 of 2012 and 11491 of 2013
and
M.P(MD)Nos.1 to 3 of 2012
in
W.P(MD)No.11161 of 2012

Mr.C.Kumar

... Petitioner in both W.Ps

Vs.

1.The Deputy General Manager (B&O),
Appellate Authority,
State Bank of India,
Administrative Office,
Maduram Complex,
No.2, Dr.Ambedkar Road,
Madurai-625 002.

2.Assistant General Manager(Administration)
Disciplinary Authority,
Administrative Office,
Maduram Complex,
No.2, Dr.Ambedkar Road,
Madurai-625 002.

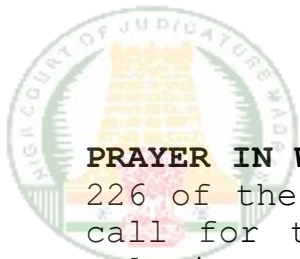
3.The Chief General Manager,
State Bank of India,
Local Head Office,
Chennai-6.

...Respondents in W.P(MD)No.11161/12

1.The Chief General Manager,
State Bank of India,
Local Head Office,
Chennai-6.

2.The Presiding Officer,
Central Government Industrial
Tribunal cum Labour Court,
1st Floor, 'B' Wing, No.26, Haddows Road,
Shastri Bhavan,
Chennai-6.

... Respondents in W.P(MD)No.11491/13



PRAYER IN W.P(MD)No.11161 of 2012: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorari, to call for the records from the file of the 1st and 2nd respondents relating to the disciplinary proceedings of the 2nd respondent in reference No.AGM(A)P&C - 2868 dated 23.06.2011 and the order of the 1st respondent in reference No.DIS. CON 19 dated 28.04.2012 and quash the same with regard to punishment.

PRAYER In W.P(MD)No.11491 of 2013: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records on the file of the second respondent relating to the award passed in I.D.No.42 of 2009 and quash the same pertaining to the denial of back wages alone and consequently, direct the 1st respondent to pay full back wages for the period from 13.04.2006 to 07.12.2010.

For Petitioner	: Mr.D.Muthukumar (in both W.Ps)
For Respondents	: Mr.M.Ponnaiah (in both W.Ps)

COMMON ORDER

Heard Mr.D.Muthukumar, Learned Counsel for the Petitioner and Mr.M.Ponnaiah, Learned Counsel for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner while working as Senior Assistant in Koodakoil Branch of State Bank of India, had been removed from service for certain misconduct committed, by an order dated 30.03.2006 passed by the disciplinary authority, which was confirmed in an appeal by order dated 22.09.2006 by the Appellate Authority. In the Industrial Dispute in I.D.No.42 of 2009, raised by the Petitioner against that termination from service before the Central Government Industrial Tribunal, an award dated 20.10.2010 had been passed setting aside the order of termination and directing reinstatement of the Petitioner with continuity of service and all other attendant benefits but without backwages and inflicting him with appropriate punishment short of termination from service.

3. In furtherance thereto, the Disciplinary Authority of the Respondents by order dated 23.06.2011 imposed the punishment of reduction of basic pay by two stages for five years in terms of the Provisions contained in para 6(e) of the Memorandum of Settlement dated 10.04.2002. Aggrieved thereby, the Petitioner has filed Writ Petition in W.P.(MD) No.11161 of 2012 challenging the same. The Petitioner has also filed another Writ Petition in W.P.(MD) No.11491 of 2013 challenging the earlier award dated 20.10.2010 in I.D.No.42 of 2009 passed by the Central Government Industrial Tribunal, cum



Labour Court, Chennai insofar as it denies backwages to him.

4. When the matter is taken up today, it is brought to notice by the Learned Counsel for the Respondents that during the pendency of these Writ Petitions, the Petitioner had committed fraud of misappropriation of funds to the tune of Rs. 4.39 crores causing loss to the employer and has been dismissed from service by order No.VIG/KMV/1 dated 03.04.2021 by the Disciplinary Authority, which is placed on record. It has been submitted that in view of the said developments, the question of granting any relief to the Petitioner, even if he succeeds in these Writ Petitions, would not arise unless the subsequent order of termination of service of the Petitioner made on 03.04.2021 is set aside in the manner recognized by law.

5. Having regard to the aforesaid submissions made, the instant Writ Petitions are disposed with a clarification that in the event of the order of termination dated 03.04.2021 passed against the Petitioner by the Disciplinary Authority of the Respondents is ultimately set aside in appropriate legal proceedings, the Petitioner would not be precluded from applying for revival of these Writ Petitions to be heard on merits. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

+1cc to Mr.M.Ponnaiah Advocate(SR.NO.15982[F]dated:16.04.2021

W.P. (MD) Nos.11161 of 2012 and 11491 of 2013
and
M.P(MD)Nos.1 to 3 of 2012
in
W.P (MD)No.11161 of 2012

15.04.2021

GS (20.05.2021) 3P 2C