

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.448 of 2021

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Ravindra Nath Srivastava S/o Late Ram Sewak Sahay R/o- Moll Adarsh Colony (Koeritola) P.S. Bettiah Town Distt West Champaran.

... .. Petitioner/s

Versus

1. The Central Bank of India through the Zonal Manger Zonal Office of the Central Bank of India at Patna previously Zonal Office at Muzaffarpur.
2. The Regional Manger Central Bank of India at Motihari.
3. The Head Office Central Bank of India at Mumbai.
4. Zonal Manager, Central Bank of India, Zonal Office at Ahmedabad, Gujarat.
5. Regional Manager, Central Bank of India, Regional Office at Rajkot previously Regional Office at Jamnagar, Gujarat.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No. 2, Advocate.

For the Respondent/s : Mr. Ajay Kumar Sinha, Sr. Advocate.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

8 15-11-2022 Heard Mr. Dhannjay Kumar No. 2, learned counsel

for the petitioner and Mr. Ajay Kumar Sinha, learned senior

counsel for the Central Bank of India.

At the outset, learned counsel for the petitioner seeks

permission to file reply to the counter affidavit.

Permission is accorded and the same is taken on

record.

By filing the present writ application, the petitioner



seeks a direction upon the concerned respondent to ensure the payment of all the retiral benefits including the provident fund, gratuity, pension and leave encashment with statutory interest.

The short facts, which led to the filing of the present application is that the petitioner was initially appointed as Agriculture Assistant in assistant grade at Bagaha on 16.04.1979. During his service on account of certain charges, the petitioner was put to departmental proceeding and inflicted with the punishment of “Removal from services” vide order dated 29.12.2008. It is contended that on being aggrieved the petitioner assailed the order of the punishment, which is subjudice before this court in CWJC No. 20047 of 2010. It is next submitted that the petitioner attained the age of superannuation on 30.06.2015, however, despite more than seven years, he has not been allowed the benefit of retiral/outstanding dues.

Learned counsel for the petitioner also vehemently submitted that there is no allegation of any financial misappropriation rather the charge against the petitioner is with regard to sanction of loan without having seen the capacity of the different borrowers. It is next submitted that the order of punishment is under challenge before the Hon’ble Court,



however, the same is not causing any impediment in making payment of GPF and Gratuity. He further relied upon various judgements of the Hon'ble Apex Court that in a situation like the present one, the petitioner would at least be entitled to GPF and Gratuity. Reliance has been taken upon the Hon'ble Apex Court's Judgement of Jaswant Singh Gill Vs. Bharat Cooking Coal Limited and Others 2007 (1) SCC 663 and further in the case of D. S. Nakara Vs. Union of India 1983 (1) SCC 305.

Per contra, learned senior counsel appearing for the Bank vehemently opposes the contention of the learned counsel for the petitioner and submits that the petitioner was awarded with the punishment of removal from service, which shall not be disqualification for future employment under Regulation 4 (i) of Central Bank of India Officer Employees (Discipline & Appeal) Regulations, 1976 as amended from time to time by the Disciplinary Authority vide final order dated 17.12.2008 in pursuance to Charge Sheet dated 06.11.2006.

Mr. Sinha, further submitted that as the order of removal from service with all consequential benefits is under challenge in CWJC No. 20047 of 2010 hence, the present writ petition is not maintainable. He next contended that earlier the petitioner was informed with regard to payment of provident



fund dues of Rs. 7,52,386-63 in the year, 2009 itself towards his contribution, however, the petitioner expressed his inability and declined to receive the provident fund dues stating that the appeal against order of punishment is pending.

Having heard the learned counsels for the parties and considering the materials available on record; This Court deems it proper to dispose of the present writ application with a direction to the Zonal Manager, Central Bank of India, Zonal Office, Patna/appropriate competent authority to consider the grievance of the petitioner with regard to payment of GPF and Gratuity till the final outcome of CWJC No. 20047 of 2010.

It is needless to say that if the petitioner will file a fresh representation within a period of four weeks from today before the competent authority as stated above, the same would be considered by him and reasoned and speaking order would be passed in accordance with law taking into consideration the materials, which would be filed by the petitioner in support of his claim, preferably within a period of eight weeks from the date of receipt/production of a copy of the representation along with the order of this court.

In view of the aforesaid observation and direction, the present application stands disposed of.



It is needless to say that if the claim of the petitioner would found favourable, the consequential order of payment shall be passed within the aforesaid period.

(Harish Kumar, J)

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