



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.2695 & 3074 of 2020 and
W.M.P.(MD)Nos.2306 & 2620 of 2020

W.P.(MD)No.2695 of 2020

P.Manoharan

... Petitioner

Vs.

1. State Bank of India,
Rep. By its Chief General Manager,
Local Head Office,
No.16, College Road,
Chennai – 600 006.
2. The Deputy General Manager,
State Bank of India,
Local Head Office,
No.16, College Road,
Chennai – 600 006.
3. The Assistant General Manager (Operations),
Disciplinary Authority,
State Bank of India,
Zonal Office, Dr. Ambedkar Road,
Madurai – 625 002.
4. The Regional Manager,
State Bank of India,
Regional Business Office-4,
“MADHURAM” Complex, 2, Dr.Ambedkar Road,
Madurai – 625 002.
5. The Branch Manager,
State Bank of India,



Melur – 625 106,
Madurai District.

... Respondents

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Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in MDU/RBO IV/2019-20/29 dated 30.08.2019 on the file of respondent No.4 and quash the same as illegal and consequently for a direction, directing the respondent No.4 to count the period from 05.05.2001 to 08.02.2009 for the purpose of terminal and pensionary benefits and consequently to revise the pension of the petitioner with retrospective effect.

W.P.(MD)No.3074 of 2020

R.S.Mani

... Petitioner

Vs.

1. State Bank of India,
Rep. By its Chief General Manager,
Local Head Office, No.16, College Road,
Chennai – 600 006.
2. The Deputy General Manager,
State Bank of India,
Local Head Office,
No.16, College Road,
Chennai – 600 006.
3. The Assistant General Manager (Operations),
Disciplinary Authority,
State Bank of India,
Zonal Office, Dr. Ambedkar Road,
Madurai – 625 002.



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4. The Regional Manager,
State Bank of India,
Regional Business Office-4,
"MADHURAM" Complex, 2, Dr.Ambedkar Road,
Madurai – 625 002.

5. The Branch Manager,
State Bank of India,
Cumbum ADB (5379),
Cumbum – 625 516,
Theni District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in MDU/RBO IV/2019-20/29 dated 30.08.2019 on the file of respondent No.4 and quash the same as illegal and consequently for a direction, directing the respondent No.4 to count the period from 17.05.2001 to 09.02.2009 for the purpose of terminal and pensionary benefits and consequently to revise the pension of the petitioner with retrospective effect.

(in both W.Ps.)

For Petitioner : Mr.T.Lajapathi Roy

For Respondents: Mr.V.R.Rajan,
Standing Counsel.

* * *

**COMMON ORDER**

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Heard the learned counsel appearing for the writ petitioners and the learned Standing counsel appearing for the respondent Bank.

2. The writ petitioners were originally employed in the respondent bank. Disciplinary action was taken against them. They were suspended from service. At the conclusion of the disciplinary action, penalty was imposed on the writ petitioners. The petitioners have since retired from service. Request was made for treating the suspension period as one of duty. It was rejected. The rejection orders are put to challenge in these writ petitions.

3. The learned counsel appearing for the writ petitioners reiterated all the contentions set out in the affidavits filed in support of the writ petitions and called upon this Court to set aside the impugned orders and grant relief as prayed for.



4. The respondents have filed a detailed counter affidavit and took me through its contents.

5. I carefully considered the rival contentions and went through the materials on record.

6. In the punishment order, it was clearly stated that the suspension period will be treated as one of suspension and not as duty period. The writ petitioners failed to challenge the same during the relevant point of time. The petitioners slept like Rip Van Winkle and woke up only long after their retirement. In as much as the punishment order was not challenged within reasonable time, interfering at this stage will not arise. These writ petitions stand dismissed. Even if bipartite settlement entered into between the association and the management is taken into account, it will make no difference to the eventual outcome of the writ petition. No costs. Consequently, connected miscellaneous petitions are closed.

08.11.2022

Index : Yes / No
Internet : Yes/ No

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To:

1. The Chief General Manager, State Bank of India,
Local Head Office, No.16, College Road, Chennai – 600 006.
2. The Deputy General Manager, State Bank of India,
Local Head Office, No.16, College Road, Chennai – 600 006.
3. The Assistant General Manager (Operations),
Disciplinary Authority, State Bank of India,
Zonal Office, Dr. Ambedkar Road, Madurai – 625 002.
4. The Regional Manager, State Bank of India,
Regional Business Office-4,
“MADHURAM” Complex, 2, Dr. Ambedkar Road,
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5. The Branch Manager, State Bank of India,
Melur – 625 106, Madurai District.
6. The Branch Manager, State Bank of India,
Cumbum ADB (5379), Cumbum – 625 516, Theni District.



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W.P.(MD)NO.2695 OF 2020

G.R.SWAMINATHAN,J.

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W.P.(MD)Nos.2695 & 3074 of 2020

08.11.2022