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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20/3/2023

C O R A M

THE Hon'ble Mr.Justice **D.KRISHNAKUMAR**
a n d
THE HONBLE Ms.Justice **K.GOVINDARAJAN THILAKAVADI**

Writ Appeal Nos.1000 and 1001 of 2015
a n d
M.P.Nos.1 and 2 of 2015

W.A.No.1000 of 2015

1. State Bank of India
   rep. By its Managing Director (Personnel)
   Madame Cama Road
   Bombay 23.

2. The Chief General Manager
   State Bank of India
   Ahmedabad Local Head Office
   Bhadra
   Ahmedabad. ... Appellants

Vs

1. C.R.L.Narasimhan

2. The Commissioner of Domestic Enquiry
   Central Vigilance Commission
   Government of India, Block No.10
   Akbar Road
   New Delhi 1. ... Respondents

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PRAYER in W.A.No.1000 of 2015 : Appeal filed under Clause 15 of the Letter Patent against the order dated 13/3/2015 passed in W.P.No.6460 of 1995.

W.A.No.1001 of 2015

1. State Bank of India
   rep. By its Managing Director (Personnel)
   Madame Cama Road
   Bombay 23.

2. Reviewing Authority
   (Central Office Human Resources Committee)
   State Bank of India, Central Office
   Madame Cama Road
   Bombay 21.

3. The Appellate Authority
   State Bank of India, Central Office
   Madame Cama Road
   Bombay 21. ... Appellants

Vs

1. C.R.L.Narasimhan

2. The Commissioner for Departmental Enquiry
   Government of India
   Central Vigilance Commission
   Satarkta Bhavan I.N.A
   New Delhi 23. ... Respondents

PRAYER in W.A.No.1001 of 2015 : Appeal filed under Clause 15 of the Letter Patent against the order dated 13/3/2015 passed in W.P.No.12890 of 2003.

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For appellants ... Mr.S.Ravindran
Senior Counsel
for Mr.S.Bazeer Ahamed

For respondents ... Mr.N.G.Prasad
for Mr.V.Govardhanam
for R.1.

For R.2- not ready in notice.

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C O M M O N J U D G M E N T

(Judgment of the Court was delivered by D.KRISHNAKUMAR, J)

These Writ Appeals have been filed against the order dated 13/3/2015 passed in W.P.Nos.6460 of 1995 and 12890 of 2003.

2. The facts which are in a nutshell are as follows:-

a. **W.P.No.6460 of 1995** is to quash the disciplinary proceedings issued by the Chief General Manager, State Bank of India and further direct the first and second respondents therein to release and pay the petitioner therein his Provident Fund, gratuity, pension arrears due from 1/12/1993 onwards with interest at 15% p.a.

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b. **W.P.No.12890 of 2003** is to quash the disciplinary proceeding dated 22/1/2003 issued by the second respondent in terms of Rule 69 (3) of the State Bank Officers Service Rules and forbear the respondents from taking any proceedings pursuant to the order of the second respondent therein.

3. Vide, common order, dated 13/3/2015, a learned Single Judge of this Court had allowed the writ petitions and directed the respondents 1 and 2 therein, to release the service benefits to the petitioner, including provident fund, gratuity, pension and arrears, if any, on and from the date on which he was permitted to retire, viz., on 31/8/2007 with interest at the rate of 6 % p.a., till the date of the said order, within a period of six weeks, from the date of the said order.

4. Being aggrieved, the appellants have come forward with the instant writ appeals.

5. Heard Mr.S.Ravindran, learned Senior Counsel for the appellants and Mr.N.G.Prasad, learned counsel for the first respondent.

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6. Learned counsel appearing for the appellants submitted that under Rule 19 (3) of the State Bank of India Officers Rule, the appellant Bank is entitled to continue the disciplinary proceedings even after the employee reached the age of superannuation and in the present case, vide, letter, dated 27/8/2007, invoking Clause 19 (3), the appellants retained its power to continue the disciplinary proceedings after 31/8/2007, when the first respondent reached the age of superannuation.

7. The learned Senior counsel appearing for the first respondent submitted that the first respondent died on 24/7/2019 and he has got all the monetary benefits on 30/7/2019. Therefore, punishment imposed by the appellants of dismissal from service has now become abated. Hence, no further adjudication is required in the aforesaid appeals.

8. We are in agreement with the said submission made by the learned Senior Counsel for the first respondent. However, the learned Senior Counsel appearing for the appellants submitted that the issue as to whether the appellants are empowered to continue the disciplinary proceedings even after the employee reached the age of superannuation by virtue of Rule 19 (3) of State Bank of India Officers Rules may be decided in these appeals.

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9. From the materials available on record, it could be seen that appellants have not filed any petition for effecting substituted service. Therefore, this Court is of the considered view that the aforesaid question is purely an academic pursuit, which can be left open for a decision in an appropriate case.

10. In the result, the writ appeals are dismissed, leaving the issue open for decision in an appropriate case.

(D.K.K.,J) (K.G.T.,J)
20th March, 2023

mvs.

W.A.Nos.1000 and 1001 of 2015

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