



WEB COPY



W.P.No.30417 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2023

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THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.30417 of 2012

N.Jayaraman

... Petitioner

-Vs-

The Management of State Bank of India,
represented by the Chief General Manager,
Local Head Office, No.16, College Lane,
Nungambakkam, Chennai – 600 034.

... Respondent

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondent to treat the petitioner as permanent employee with effect from 01.09.1997 conferring continuity of service from 08.07.1986 until date of superannuation i.e.01.06.2003 and pay the petitioner the entire backwages and terminal benefits payable to the petitioner on implementation of said High Court order dated 16.09.1997 passed in W.A.No.481 & 482 of 1995 and W.P.No.6347 of 1986 and Hon'ble Supreme Court order dated 31.08.1998 passed in SLP No.3727-3729 of 1998.

For Petitioner : Mr.R.K.S.M.Aditya
for Mr.S.J.Jagadev

For Respondent : Mr.K.Chandrasekaran
Standing Counsel



W.P.No.30417 of 2012

ORDER

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This Writ Petition has been filed for direction directing the respondent to treat the petitioner as permanent employee with effect from 01.09.1997 conferring continuity of service from 08.07.1986 until date of superannuation i.e.01.06.2003 and pay the petitioner the entire backwages and terminal benefits payable to the petitioner on implementation of said High Court order dated 16.09.1997 passed in W.A.No.481 & 482 of 1995 and W.P.No.6347 of 1986 and Hon'ble Supreme Court order dated 31.08.1998 passed in SLP No.3727-3729 of 1998.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. The petitioner was appointed as Temporary Clerk in State Bank of India, Karur Branch on 20.12.1965. He had continuously worked in the same Branch for 279 days. Thereafter, his service was not extended further. Therefore, the petitioner approached this Court in W.P.No.6347 of 1986 seeking direction to reinstate him with continuity of service. The Hon'ble Division Bench of this Court, by an order dated 16.09.1997 disposed of the writ petition holding that the relief that may be granted to the petitioner cannot be at



W.P.No.30417 of 2012

the expense of others and accordingly, granted limited relief directing to re-employ the petitioner with effect from 01.01.1997 without any backwages and with continuity of service only from the date of filing of the said writ petition and not for any past period earlier to that date viz., 08.07.1986. Aggrieved by the same, the respondent preferred Special Leave Petition before the Hon'ble Supreme Court of India and the same was also dismissed. However, the petitioner did not join the duty so far. Further, he had also attained the age of superannuation on 01.06.2003.

4. Therefore, the petitioner is not entitled for any backwages or terminal benefits and the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition is dismissed. No costs.

23.08.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

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W.P.No.30417 of 2012

G.K.ILANTHIRAIYAN, J.

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To

The Chief General Manager,
The Management of State Bank of India,
Local Head Office, No.16, College Lane,
Nungambakkam, Chennai – 600 034.

W.P.No.30417 of 2012

23.08.2023