



WP.No.29989 of 2005

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:29.08.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.29989 of 2005

G.P.Radhakrishnan

...Petitioner

Vs.

1.State Bank of India,
Rep., by its Chief General Manager,
Aparna Complex,
16, College Lane,
Chennai-600 006.

2.The General Manager-II,
State Bank of India
Aparna complex,
16, College Lane,
Chennai-600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of



WP.No.29989 of 2005

India, 1950, praying for issuance of writ of Certiorarified Mandamus, praying to call for the records relating to the order of the 2nd respondent dated 13.01.2005 as affirmed by the order of the 1st respondent dated in proceedings A&R/18 dated 19.05.2005, quash the same and consequently direct the respondents to reinstate the petitioner in service with all back wages and other benefits.

For Petitioner : Mr.Karthik Murali
for Mr.R.Parthiban

For Respondents : Mr.C.Mohan,
M/s.R.Rexy Josephin Many
for M/s.King & Partridge

ORDER

While the writ petitioner was officiating as Chief Manager of Puthukottai Branch of State Bank of India, he was subjected to disciplinary proceedings, by issuing a charge memo dated 13.02.2004 and thereafter, through an order dated 13.01.2005 passed by the 2nd respondent, the petitioner was dismissed from service and thereafter, on appeal, the same was confirmed by the 1st respondent through proceedings bearing No. A& R/18 dated 19.05.2005.



WP.No.29989 of 2005

WEB COPY

2.It is aggrieved by the said order dated 13.01.2005 passed by the 2nd respondent, as confirmed by the 1st respondent through proceedings dated 19.05.2005, the present writ petition has been filed.

3.When the matter is taken up for consideration, it is brought to the notice of this Court that simultaneously, apart from disciplinary proceedings, the respondent/Bank also initiated criminal proceedings against the petitioner in C.C.No.4 of 2006 on the file of the CBI Court, Madurai, wherein, the petitioner was convicted, by order dated 17.03.2017 and the said conviction was also confirmed by this Court in Crl.A.(MD).No.113 of 2017, by a judgment dated 09.11.2023. As against the said order, dated 09.11.2023 confirming the conviction, the petitioner claimed to have filed the Special Leave Petition (Crl) in Diary No.7386 of 2024 before the Hon'ble Apex Court and the same is stated to be pending for consideration. In view of the conviction of the petitioner by the CBI Court by an order dated 17.03.2017, and confirmation of the same by a Division Bench of this Court by order dated 09.11.2023, this Court is of the considered view that the



WP.No.29989 of 2005

examination of the present writ petition on merits, is not required, for the reason that even if this Court agree with the contentions of the petitioner, the relief of reinstatement or any consequential relief cannot be granted by this court, in view of conviction suffered by the petitioner. If the petitioner succeeds in the SLP Crl Diary No.7386 of 2024, said to have been filed by the petitioner before the Hon'ble Apex Court, then the examination of the present writ petition may be required on merits.

4.In view of the same, this Court is not inclined to examine the matter at this stage on merits and accordingly the writ petition shall stand closed, leaving it open to the petitioner to seek reopening of the writ petition in case he succeeds before Hon'ble Apex Court. There shall be no order as to costs.

29.08.2024

vsn

Internet: Yes/No



WP.No.29989 of 2005

Index: Yes/No
Speaking/Non-speaking order

MUMMINENI SUDHEER KUMAR,J.

vsn

W.P.No.29989 of 2005

29.08.2024