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W.P. No.9252 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.9252 of 2011

1.R.Baskaran @ S.R.Baskaran (died)

2.B.Sreedaladevi

3.B.Abarajitha

4.R.B.Shri Skandha Raja Vanithan ... Petitioners

*Petitioners 2 to 4 are substituted as LR's of 1st petitioner vide Court Order dated 04.10.2024 made in W.M.P.No.7086 of 2022

Vs.

General Manager (Administration)
Competent Authority
Reserve Bank of India
Rajaji Salai
Chennai 600001.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus to call for the records and quash the dismissal order No.230/2008-09, dated 12.12.2008 of the respondent dismissing the petitioner from service and reinstate the petitioner in service, with all attendance benefits.

For Petitioners : Mr.G.Saravan Kumar

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For Respondent : M/s.T.Poornam.

ORDER

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This writ petition has been filed challenging Office Order No.230/2008-09 dated 12.12.2008 whereby, the 1st deceased writ petitioner while, working as Senior Assistant has been dismissed from service under Regulation 46 (3) of Reserve Bank of India (Staff) Regulations, 1948 following the conviction suffered by the 1st petitioner under Section 13(2) and 13(1)(e) of Prevention of Corruption Act, 1988 in C.C.No.32/99 by judgment dated 26.08.2008 on the file of the Court of Principal Judge for CBI cases, Chennai. The said conviction is stated to have been confirmed by this Court, by an order dated 16.11.2017. Aggrieved by the said order dated 16.11.2017, the deceased 1st petitioner claimed to have filed S.L.P in S.L.P.No.2110 of 2018 before the Hon'ble Apex Court and the same is also stated to be pending for consideration.

2. During the pendency of this writ petition and the said S.L.P., the 1st petitioner passed away and the petitioners 2 to 4 herein were brought on record being the legal representatives of the deceased 1st petitioner. In view of the fact that the conviction that was imposed by judgment dated 26.08.2008



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by the court of Principal Judge for CBI cases, Chennai was confirmed by this Court by an order dated 16.11.2017, the impugned order herein cannot be interfered with. No doubt, the S.L.P said to have been filed by the 1st petitioner is pending before the Hon'ble Apex Court. It is not known when the said appeal filed before the Hon'ble Apex Court will be disposed. In the circumstances, it is evident that the conviction that was suffered by the 1st petitioner stands as on date. Hence, no relief can be granted in favour of the 1st petitioner so long the conviction stands.

3. In the circumstances, this writ petition has to be closed granting liberty to the petitioners 2 to 4 to seek reopening of the writ petition in the event, conviction that was suffered by the 1st petitioner is set aside by the Hon'ble Apex Court in the S.L.P stated to have been filed by the 1st petitioner herein.

4. Then, coming to the contention of the learned counsel for the petitioners that even if the impugned order dated 12.12.2008 is treated as final also, the deceased 1st petitioner shall be entitled for release of certain benefits such as P.F., Gratuity, etc. If that be the case, the petitioners 2 to 4



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can make a representation before the appropriate authority or the respondent seeking release of such benefits/amounts. In case, if such representation is made by the petitioners 2 to 4 or any of the petitioner, the said authority/respondent herein shall consider the same and pass appropriate orders thereon strictly in accordance with the Reserve Bank of India (Staff) Regulations, 1948 by duly taking into consideration the law laid down by the Hon'ble apex Court in this regard, within a period of eight (8) weeks from the date of submission of such representation.

5. Accordingly, the writ petition is closed subject to above observations. The connected miscellaneous petitions, if any shall stand closed. No costs.

04.10.2024
(2/2)

Index : Yes/No
Speaking Order : Yes/No
dpa

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The General Manager (Administration)
Competent Authority
Reserve Bank of India
Rajaji Salai
Chennai 600001.

MUMMINENI SUDHEER KUMAR,J.

dpa



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