



WEB COPY



W.P.No.5745 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.5745 of 2023
and WMP Nos.31609 & 31610 of 2024

S.Viswanathan

.... Petitioner

-Vs-

1.State Bank of India
Rep.by its Chairman
Central Office
State Bank Bhavan
Madam Camae Road
Nariman Point, Mumbai 400 021.

2.The General Manager [NW-I]
[Reviewing Authority]
State Bank of India
Local Head Office
No.16, College Lane
Chennai 600 006.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents bank to treat the period of suspension for continuity of service as one of duty/on service for all purposes like Pension, redetermining the petitioner's pension and other retirement benefits with interest at 12% p.a.

For Petitioner : Mr.N.Seshadri

For Respondents : Mr.S.Ravindran, Senior Counsel
for Mr.S.Bazeer Ahamed, Standing Counsel
for R1 & R2



W.P.No.5745 of 2023

ORDER

Pursuant to the earlier order passed on 12.09.2024, two writ miscellaneous petitions have been filed by the petitioner. WMP.No.31609 of 2024, has been filed challenging the order passed by the Disciplinary Authority and which was confirmed by the Appellate Authority and the petitioner is seeking for appropriate amendment to the relief sought for in the writ petition. WMP No.31610 of 2024, has been filed to dispense with the production of the original orders passed by the Disciplinary Authority on 29.11.2018 and the Appellate Authority on 14.05.2019 and also the Reviewing Authority on 02.05.2023.

2.The petitioner cannot seek for amendment of the relief without specifically raising the grounds on which the orders have been challenged. The petitioner has not filed any application seeking for the leave of this Court to raise additional grounds. The petitioner must also specifically state in the affidavit as to what prevented the petitioner from questioning the order passed by the Disciplinary Authority in the year 2018 and which was confirmed by the Appellate Authority in the year 2019 and why the same was not put to challenge when the writ petition was filed in the year 2023. The affidavit that was filed in support of the petitions does not deal with any of these things.



W.P.No.5745 of 2023

3. When the above was specifically put to the learned counsel for the petitioner, the learned counsel sought for the permission of this Court to withdraw this writ petition and to file a fresh writ petition with the same cause of action by raising the relevant grounds, making the necessary averments in the affidavit and requesting the orders passed by the authorities.

4. In the considered view of this Court, this writ petition in its present form will not really help the petitioner. These miscellaneous petitions that have been filed will only further complicate the issue.

5. In view of the above, this writ petition is permitted to be withdrawn and accordingly, the same is dismissed as withdrawn. Liberty is granted to the petitioner to file a substantive fresh writ petition challenging the relevant orders by raising the necessary grounds and by making the necessary averments in the affidavit. No costs. Consequently, connected miscellaneous petitions are closed.

30.09.2024

Index : Yes/No
NCS : Yes/No
KP

Note: Issue order copy on **01.10.2024**



WEB COPY



W.P.No.5745 of 2023

N.ANAND VENKATESH, J.

KP

To

- 1.State Bank of India
Rep.by its Chairman
Central Office
State Bank Bhavan
Madam Camae Road
Nariman Point
Mumbai 400 021.
- 2.The General Manager [NW-I]
[Reviewing Authority]
State Bank of India
Local Head Office
No.16, College Lane
Chennai 600 006.

Writ Petition No.5745 of 2023

30.09.2024