IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

Rev.Appl.No.219 of 2024
against W.A.No.22 of 2020

1. State Bank of India
Rep. by its Chairman & Managing Director
Corporate Centre, Post Box No.12
Mumbai – 400 021.

2. The Reviewing Committee
Appeals & Review Department
Corporate Centre, Post Box No.12
Mumbai – 400 021.

3. The Chief General Manager
State Bank of India
Local Head Office, Circle Top House
Aparna Complex, No.16, College Lane
Chennai – 600 006.

4. The General Manager – I
State Bank of India
Local Head Office, Circle Top House
Aparna Complex, No.16, College Lane
Chennai – 600 006. .. Applicants

Vs.

N.Palanisamy .. Respondent

Prayer: Review Application filed under Order XLVII Rule 1 and 2 r/w Section 114 of the Civil Procedure Code, to review the order dated 02.02.2022 in W.A.No.22 of 2020 by holding that respondent was not entitled for pensionary benefits.

For the Applicants	:	Mr.S.Ravindran Senior Counsel for Mr.K.Chandrasekaran
For the Respondent	:	Mr.K.M.Ramesh Senior Counsel for Mr.V.Subramani

ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

This review application has been filed seeking to review the order passed by the Division Bench dated 02.02.2022 made in W.A.No.22 of 2020.

2. The respondent herein was the employee of the applicant Bank, against whom, Disciplinary Proceedings were initiated, which ultimately ended in the punishment of "dismissal from service". Challenging the said punishment, the respondent employee filed a writ petition in W.P.No.57 of 2012, which was decided by the Writ Court by order dated 23.10.2019.

3. In the said order, the Writ Court has found that out of the fourteen charges, some of the charges, which are the main charges, have not been proved, however, charge Nos.4 to 12 and 14, though having been proved, which are only procedural violation or procedural lapses, therefore, for such a procedural lapses, assuming

that these charges have been proved against the employee, whether the maximum punishment of "dismissal from service" could be inflicted against him and would be commensurate for the proven charges was the question.

4. When that was considered, the learned Judge of the Writ Court was of the view that it was disproportionate and also shocks the conscience of the Court. Therefore, the Writ Court, by order dated 23.10.2019, has passed the following orders:-

> *"15. As discussed above, the respondents have not proved the charges leveled against the petitioner and at best, the charges 4 to 12 and 14 can be termed as procedural lapses. For the above reason, the order of dismissal imposed on the petitioner is not valid and in any event, it is shockingly disproportionate to the charges leveled against the petitioner. In view of the above, the judgments relied on by the learned counsel appearing for the respondents that this Court is not a Court of appeal and has no power to interfere with punishment imposed by the respondents is not applicable to the facts of the present case.*
>
> *16. For the above reason, the order of dismissal passed by the 4th respondent confirmed by the respondents 2 and 1 are set aside. The petitioner attained the age of superannuation and therefore, the question of reinstatement does not arise even though the respondents have not proved the charges leveled against the petitioner. The charges 4 to 12 and 14 amounts to procedural lapses on behalf of the petitioner. For the said reason, the petitioner is not entitled to any salary*

> *from the date of dismissal till the date of superannuation. The period from 03.02.2003 to 31.03.2013 the date of superannuation shall be counted for terminal benefits as well as for pensionary benefits. The petitioner is not entitled to any salary from the date of dismissal till the date of superannuation, but he is entitled to terminal benefits and pensionary benefits treating the period from 03.02.2003, the date of suspension to 31.03.2013, the date of superannuation as duty period.*
>
> *17. With the above direction, the Writ Petition is allowed. The respondents are directed to pay all the terminal benefits to the petitioner within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently connected Miscellaneous Petition is closed."*

5. Felt aggrieved over the said order passed by the Writ Court, the Bank, that is the present applicant, filed an intra-Court appeal in W.A.No.22 of 2020. The said appeal was decided by the Division Bench of this Court by the order dated 02.02.2022, whereby, the Division Bench has passed the following orders:-

> *"23. Applying the ratio of these decisions, we are of the view that the bank having proved the delinquency of the respondent by adducing documentary evidence, it cannot be stated that the charges against the respondent have not been proved. Now, coming to the quantum of punishment, whether it is disproportionate to his delinquency, in view of the aforesaid discussion and narration of facts, we are of the view that the quantum of punishment is shockingly disproportionate.*
>
> *24. In the case on hand, though the learned single Judge, has held that some of the charges are not proved and some of the charges against*

the respondent, are procedural lapses and held that the respondent is not entitled to salary from the date of suspension from service and till his superannuation, namely 31.03.2013, but entitled to terminal and pensionary benefits from the date of his suspension till the date of superannuation, in our considered view, is not sustainable in the eye of law. In the case on hand, the respondent joined the services of the bank on 15.09.1978 and that he had put in more than 26 years service till the date of his dismissal. Admittedly, the respondent was under suspension from 03.02.2003 and was dismissed on 05.01.2005 and he has attained the age of superannuation on 31.03.2013. Admittedly, in the case on hand, from the date of dismissal, namely 05.01.2005, the respondent was ceased to have been in service and that he was receiving subsistence allowance for no work from 03.02.2003 till the date of dismissal. When a person was held to be not eligible for salary for a particular period, the principle of "no work no pay" will apply. For the period one who had not worked and one who had ceased to have been dismissed from service, he is not entitled to any benefits, from the date of dismissal.

25. In view of the decisions quoted supra, while setting aside the order of the learned single judge insofar as ordering terminal and pensionary benefits from 03.02.2003 to 31.03.2013, we modify it to be a compulsory retirement from 05.01.2005, namely the date of dismissal and that the respondent is not eligible for any benefits beyond that date.

26. In the result, the writ appeal is allowed. The order of the learned single judge dated 23.10.2019 is set aside and modified to the effect that the respondent is deemed to have been voluntarily retired from 05.01.2005 and that the respondent is eligible for monetary and pensionary benefits up to that date alone namely,

> *05.01.2005. However, there is no order as to costs. Consequently, the connected civil miscellaneous petition is closed."*

This order is sought to be reviewed in the present review application.

6. Heard *Mr.S.Ravindran*, learned Senior Counsel appearing for the review applicants and *Mr.K.M.Ramesh*, learned Senior Counsel appearing for the respondent employee.

7. Three dates are important in this case. On 03.02.2003, the respondent employee was suspended on contemplation of charges against him. On 16.09.2003, charge sheet was filed and after enquiry, he was dismissed from service on 05.01.2005. Had he been on service, he would have reached superannuation and retired from service peacefully on 31.03.2013.

8. In this context, while modifying the order by allowing the writ appeal, the Division Bench, in the aforesaid paragraph, that is paragraph 24, has stated and recorded that, the employee was ceased to have been in service and that he was receiving subsistence allowance for no work from 03.02.2003 till the date of dismissal. It was further observed by the Division Bench that when

a person was held to be not eligible for salary for a particular period, the principle of "no work no pay" will apply. For the period one who had not worked and one who had ceased to have been dismissed from service is not entitled to any benefits from the date of dismissal.

9. Though such findings have been given by the Division Bench in paragraph 24 of the judgment, in the penultimate paragraph and the operative portion of the judgment, that is paragraphs 25 and 26, the Division Bench has held that the order of the Single Judge, that is the Writ Court, since has to be set aside, therefore, while setting aside the order of the Single Judge, insofar as ordering the terminal and pensionary benefits from 03.02.2003 to 31.03.2013, the Division Bench modified it only to be compulsory retirement from 05.01.2005, namely the date of dismissal and that the respondent is not eligible for any benefits beyond that date.

10. In this context, it is to be noted that compulsory retirement, no doubt, is one of the major punishments to be awarded for an employee. Assuming that if compulsory retirement punishment is awarded against the respondent employee, nevertheless, he would be entitled to get pensionary benefits from

the date of such compulsory retirement, that is the service regulation governing the applicant Bank also. Therefore, what has been intended by the Division Bench has not been reflected in the operative portion of the order.

11. However, insofar as the order which has been passed by the learned Single Judge, which was impugned in the Writ Appeal is concerned, the learned Single Judge had directed not to pay salary for the employee from the date of dismissal till the date of superannuation, as that period even though can be considered to be duty period for superannuation and pensionary benefits, for the salary, he is not entitled to, as the denial of salary itself would be a punishment for him for the corresponding proven charges, that is some of the charges mentioned herein above as procedural violations or procedural lapses.

12. If the order passed by the Single Judge is implemented, the employee would get the pensionary benefits only from the date of superannuation, that is from 01.04.2013, as he superannuated on 31.03.2013, whereas, if the order passed by the Division Bench, which is sought to be reviewed herein, is implemented, the employee would be entitled to seek such pensionary benefits from

the date of his compulsory retirement, that is from 05.01.2005. Therefore, major relief has been given by the order of the Division Bench, which is sought to be reviewed herein, even though that was not intended, as has been reflected in the findings of the Division Bench, which is recorded in paragraph 24 of the judgment, which we have extracted herein above.

13. In view of the aforesaid facts and circumstances and the discussions we have made herein above, we are inclined to pass the following orders in this review application:-

(i) That with regard to paragraph 25 and 26 of the judgment dated 02.02.2022, which is sought to be reviewed herein, is concerned, the following orders are passed:-

a. That the Single Judge's order, which was impugned in the writ appeal, is to be restored and accordingly, it is restored.

b. As a result of which, the respondent employee would be entitled to get pensionary benefits from the date of superannuation, that is from 31.03.2013/01.04.2013. For the purpose of calculating the pensionary benefits, including the arrears from the date of superannuation, the period between his date of dismissal and date of superannuation, that is between 05.01.2005 and 31.03.2013 shall be treated as duty period, however, it is made clear that for the said period, the employee is not entitled to get any backwages.

c. This order shall be complied with within a period of two months from the date of receipt of a copy of this order.

14. With these modifications and clarifications, the order sought to be reviewed is accordingly reviewed and this review application is allowed to the extend indicated above. There shall be no order as to costs.

(R.S.K., J.) (K.R., J.)
19.08.2025

Speaking Order/Non-Speaking Order
Neutral Citation:Yes/No
Internet:Yes/No
Index:Yes/No

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   State Bank of India
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R. SURESH KUMAR, J.
AND
KRISHNAN RAMASAMY, J.

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