

W. P. No. 6878 /2015.[s]
[Single Bench] [Service matter]

IN THE HON'BLE HIGH COURT OF M.P. JABALPUR
BENCH AT INDORE

PETITIONER : Madanlal Kurariya S/o Shri Suraj Prasad Kurariya
Aged 66 Yrs. Occ. Retd. Bank Officer Scale II
173, Saket Nagar Indore
Dist. INDORE [M.P.]

Versus.

RESPONDENTS : 1. Bank of India
Through-Chairman and Managing
Director, Bank Of India
Head Office Star House C-5
G Block Bandra Kurla Complex
Bandra (East) Mumbai 400051
Mumbai Maharashtra

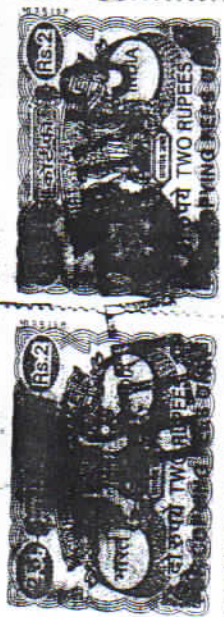
Presented on 29/9/15
By Shashank Patil, Retd.
Me
Presentation Assistant

2. General Manager,
Human Resources Dept.
Bank Of India
Head Office Star House C-5
G Block Bandra Kurla Complex
Bandra (East) Mumbai 400051
Mumbai Maharashtra.

3. General Manager Bank Of India
Terminal Benefits Division
Head Office Star House C-5
G Block Bandra Kurla Sankul
Bandra (East) Mumbai 400051
Mumbai Maharashtra.

4. Zonal Manager
Bank Of India Khandwa Zone
Zonal Office Anand Nagar Khandwa
Dist. KHANDWA M.P.

WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA..



EXED

DATE & S.
NO. OF THE
ORDER

ORDER

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NATIONAL LOK ADALAT**W.P.No.7719/2015[s]****W.P.No.6878/2015[s]****W.P.No.6880/2015[s]****11.2.2017**

Shri V.K. Patwari, Advocate for the petitioner.

Shri A.S. Bahrawat, Advocate for the respondents.

Matter is taken up with consent.

2. The petitioner has filed this writ petition against the order dated 26.9.2008 (Annexure P/1). Learned counsel for the petitioner has submitted in W.P.No.7993/2012, similar question has been decided by the learned writ court on 10.3.2016.

3. The petitioner was subjected to the disciplinary action and in pursuance to the department enquiry conducted against him a punishment of compulsory retirement was imposed against him. Consequently he was retired from service. After compulsory retirement, the petitioner was not paid pension, the same was denied by the respondents then the petitioner filed the present writ petition.

4. The learned writ court in W.P.No.7993/2012, has held that the petitioner is eligible to get the pension. Relevant portion of the order reads as under :-

"7. This judgment is upheld by Division Bench by a detailed order. This is not in dispute between the parties that the similar regulation, scheme and letters which were considered by Andhra Pradesh High court are applicable to the present case. This is also clear that the employee Sreeram was also compulsory

retired. In view of the judgment of Andhra Pradesh High court which is not disturbed till the Supreme Court, I find no reason to put the petitioner to a comparatively different position. Resultantly, I deem it proper to follow the course adopted by the Andhra Pradesh High court in Sreeram (supra). The SLP against the said order is dismissed by the Supreme Court."

5. It is not in dispute that the Apex court dismissed the SLP (Civil) No.35449/2013. Similar order has been passed by the Division Bench of Andhra Pradesh High court in the case of **Andhra Bank & 3 Ors. V/s. Y. Shivaji**, passed in W.A.No.905 of 2012.
6. In view of the aforesaid, we are of the view that the controversy involved in this case has already been decided by the Division Bench of Andhra Pradesh High court and against the order of Division Bench, SLP has also been dismissed, hence we quash the order impugned dated 26.9.2008 (Annexure P/1), in the light of order dated 10.3.2016 passed in W.P.No.7993/2012 and direct the respondents to consider the case of the petitioner in the light of the observations / directions made in W.P.No.7993/2012.
7. With the aforesaid, the writ petitions are disposed of.

(JUSTICE P.K. JAISWAL)
MEMBER

(AVINASH SIRPURKAR)
MEMBER

SS/-

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1-3-2017
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High Court of Madhya Pradesh