

lowest post of clerk by revising impugned order of dismissal. For the said proposal, the counsel for the respondent-employee had also submitted before the High Court that the employee was agreeable to accept the punishment of reversal to the lower post. In view of the submission made as above, the High Court has not gone into the merits of the case and disposed of the same on the said submissions. On the basis of the above order passed by the High Court, the appellant herein was reinstated as a clerk on 6.2.1997. The grievance of the appellant is that he was not given any benefit to the post in question namely the clerk from the date of suspension up to the date of reinstatement.

When the special leave petition came before this Court for admission, this Court on 19.12.2003, after condoning the delay, issued notice to the respondent-Bank. On 3.4.2006, this Court passed the following order:

"Let the counsel for the respondents take instructions as to whether the bank will be willing to treat the suspension period for reckoning pension and gratuity of the petitioner. We make it clear that in all other respects we are not inclined to interfere with the impugned order."

On 5,7,2006, after hearing the respective counsel,

this Court passed the following order:

"Heard Mr. L.N. Rao, learned Senior Counsel for the petitioner and Mr. Dhruv Mehta, learned counsel for the respondents.

On 3.4.2006, this Court passed the following order

"Let the counsel for the respondents take instructions as to whether the bank will be willing to treat the suspension period for reckoning pension and gratuity of the

petitioner. We make it clear that in

all other respects we are not inclined

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to interfere with the impugned
order."

Mr. Dhruv Mehta, appearing for
the respondent-Bank, placed before us a
letter dated 30.6.2006 received by him in
regard to the above direction. The letter is
thus placed on record.

It is seen from the letter that the
competent authority of the respondent-
Bank is not agreeable to treat the
suspension period of the petitioner herein
for reckoning pension and gratuity.

Therefore, we have to hear the parties in
regard to only question as to whether the
suspension period can be treated for
reckoning pension and gratuity. Both the
parties will be at liberty to address
arguments only on this issue.

Post the special leave petition for

final disposal on 29th August, 2006."

Since the Bank was not agreeable to treat the suspension period of the appellant for reckoning pension

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and gratuity, we heard the parties in regard to the only question as to whether the suspension period can be treated for reckoning pension and gratuity. We heard both parties at length.

In the instant case, the appellant was suspended on 3.7.1985 and dismissed from service on 28.7.1988.

Thereupon, the said order of dismissal was modified to that of reversion to the post of clerk as agreed to by both

the parties before the High Court. Now, the only question

is whether the appellant is entitled to treat the suspension period for reckoning the pension and gratuity. It is not in

dispute that no service benefit as clerk was given to the appellant from the date of suspension till the date of

reinstatement. When the order of dismissal is set aside

and the appellant is reverted to the post of clerk, we are of

the view that he will be entitled to the service benefits

including pension and gratuity available to the said post.

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Mr. Dhruv Mehta submitted that the appellant, if at all

will be entitled to the benefits only for the period from

3.7.1985 to 28.7.1988. There is no merit in the said

submission.

We, therefore, direct the respondent-Bank to treat

the suspension period from 3.7.1985 to 6.2.1997 for

reckoning pension and gratuity only. The appeal stands

disposed of on the above terms. There shall be no orders

as to costs.

.....J.

(DR. AR. LAKSHMANAN)

.....J.

(TARUN CHATTERJEE)

New Delhi

November 30, 2006.

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ITEM NO.4

COURT NO.8

SECTION XIIA

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).24557/2003

(From the judgement and order dated 04/06/2002 in WP No. 1354/2000 of The
HIGH COURT OF A.P AT HYDERABAD)

N.V. SUBBA RAO

Petitioner(s)

VERSUS

CORPORATION BANK AND ORS.

Respondent(s)

(With prayer for interim relief and office report)

(For final disposal)

Date: 30/11/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Petitioner(s)

Mr. Roy Abraham, Adv.

Ms. Seema Jain, Adv.

Mr.Himinder Lal,Adv.

For Respondent(s)

Mr. Dhruv Mehta, Adv.

Mr. Harshvardhan Jha, Adv.

Mr. Yashraj Deora, Adv.

Mr. MannoJ Mehta, Adv.

for M/S K.L. Mehta & Co.,Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted. Heard Mr. Roy Abraham, learned counsel for the
appellant and Mr. Dhruv Mehta, learned counsel for the responden
ts and
perused order impugned in this appeal. The Civil Appeal stands disposed of
in terms of signed reportable judgment placed on the file. There shall be no
orders as to costs.

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(A.D. Sharma)

(Phoolan Wati Arora)

Court Master

Court Master

(Signed reportable judgment is placed on the file)