

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE/ORIGINAL JURISDICTION

CIVIL APPEAL NO(S). 3066 OF 2018
[@ SPECIAL LEAVE PETITION (C) NO. 8392 OF 2017]

DINESH KUMAR GUPTA

Appellant(s)

VERSUS

GENERAL MANAGER 1, STATE BANK OF INDIA & ORS. Respondent(s)

WITH

CONMT.PET.(C) NO. 1667 OF 2017

IN

SLP(C) NO. 8392 OF 2017

J U D G M E N T

KURIAN, J.

SLP (C) No. 8392 of 2017

1. Leave granted.

2. The appellant approached this Court, aggrieved by the rejection of his prayer for consideration of voluntary retirement under the rules. The High Court took note of the fact that the respondent - Bank was justified in not considering the applicant/appellant for voluntary retirement in contemplation of the disciplinary proceedings.

3. Mr. Rakesh Khanna, learned senior counsel appearing for the Bank, submits that during the

pendency of this appeal, disciplinary proceedings have been concluded and a penalty of 'lowering of one grade' has been imposed on the appellant. It is also submitted that since the disciplinary proceedings have been concluded, it is open to the appellant to apply for voluntary retirement afresh, if so advised, in which case, his application can be processed by the Bank.

4. The learned counsel appearing for the appellant submits that there are some arrears of salary, allowances etc. We direct the Bank to clear the arrears of salary and allowances, if any, within a period of one month from today. Needless to say, the appellant shall complete the codal formalities in that regard.

5. We make it clear that in case the appellant chooses to pursue his remedy under the Rules against the punishment imposed on him, this Judgment shall not stand in the way of the appellant to pursue such remedy.

6. In view of the above, the appeal is disposed of.

7. Pending Interlocutory Applications, if any, stand disposed of.

CONMT.PET.(C) NO. 1667 OF 2017

In view of the Judgment passed above, no orders are required to be passed in this contempt petition.

The contempt petition is, accordingly, closed.

.....J.
[KURIAN JOSEPH]

.....J.
[MOHAN M. SHANTANAGOUDAR]

New Delhi;
March 20, 2018.

ITEM NO.2

COURT NO.5

SECTION III-A

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

Petition for Special Leave to Appeal (C) No. 8392 of 2017

DINESH KUMAR GUPTA

Appellant(s)

VERSUS

GENERAL MANAGER 1, STATE BANK OF INDIA & ORS.

Respondent(s)

(FOR EXEMPTION FROM FILING O.T. ON IA 1/2017 and IA No.120157/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA No.14414/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

WITH

CONMT.PET.(C) No. 1667/2017 in SLP(C) No. 8392/2017 (XI)
(FOR ADMISSION)

Date : 20-03-2018 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Appellant(s) Mr. Surjadipta Seth, Adv.
Mr. Ajit Sharma, AOR

For Respondent(s) Mr. Rakesh Kumar Khanna, Sr. Adv.
Mr. Anil Kumar Sangal, AOR
Mr. Siddharth Sangal, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted in SLP (C) No. 8392 of 2017.

The appeal is disposed of and the contempt petition is closed
in terms of the signed non-reportable Judgment.

Pending Interlocutory Applications, if any, stand disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR

(Signed non-reportable Judgment is placed on the file)