



2026:AHC:73828

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 5299 of 2024

Anil Kumar Srivastava

.....Petitioner(s)

Versus

Indian Bank Through Its Managing Director Chief
Executive Officer And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Gulrez Khan, Javed Husain Khan
Counsel for Respondent(s)	:	Pashupati Nath Tripathi

Court No. - 32

HON'BLE SAURABH SHYAM SHAMSHERY, J.

1. Heard Sri Gulrez Khan, learned counsel for petitioner and Sri P.N. Tripathi, learned counsel for respondents.

2. Petitioner before this Court has faced a disciplinary proceedings which finally resulted into a punishment order dated 30.11.1988 whereby a major penalty of stoppage of three future increments with cumulative effect was passed.

3. Aforesaid punishment order was challenged by petitioner before this Court in Civil Misc. Writ Petition No. 16459/1999 which was finally allowed with certain directions by a judgment dated 30.04.2018 reported in 2018 (9) ADJ 414 and relevant part thereof is quoted below :-

"24. In view of the above consideration, it is clear that the disciplinary authority has not recorded any reason for considering the second part of the charge against the petitioner proved when the basis of the charge in the first part was not found true, the petitioner was charge-sheeted only for minor misconduct, but was awarded major misconduct, his objection to the notice of proposed punishment dated 28.12.1998 was not considered and the punishment awarded to him is not in accordance with Sixth Bipartite Settlement dated 14.2.1995, the impugned

punishment and appellate orders passed by the respondent Nos. 2 and 1 cannot be sustained and are, hereby, quashed.

25. During the pendency of this writ petition, the petitioner has retired from service and therefore, the remand of the case for reconsideration of the punishment awarded to the petitioner would not be justified under the facts and circumstances of the case. The respondent no.2 is directed to recompute the salary of the petitioner from the date of the punishment order and after adding the 3 stagnation increments to his salary, he shall be paid the arrears of his salary till the date of his superannuation on 30.06.2013. The post retiral dues of the petitioner shall be calculated accordingly and paid to him. The denial of promotion to the petitioner on account of the impugned punishment order shall be compensated by the respondents by way of notional promotion from the date any of his junior was promoted on a promotional post and the benefits of notional promotion shall be paid to the petitioner. The interest on the dues of difference of salary and the post retiral dues are being denied to the petitioner on the ground that the remand of the case for consideration of award of minor punishment by the disciplinary authority is not possible after his retirement from service.

26. The writ petition is allowed. No order as to costs."

4. Aforesaid order was challenged by respondent- Allahabad Bank by way of filing Special Leave to Appeal (C) No. 20688/2018 wherein following order dated 10.10.2023 was passed :-

"During hearing, it has come on record that the

respondent has already attained the age of superannuation. However, the consequence of the order impugned is to grant notional promotion which may benefit him in post-retiral and pensionary benefits, on declaring him fit.

Considering the peculiar facts of the case, the petitioner-Bank shall extend the benefit as directed in the order impugned declaring him fit on notional promotion within eight weeks and produce the order along with an affidavit extending the notional benefits and settle the post-retiral benefits as per the promotional post.

List the matter on 05th December, 2023."

5. Subsequently, above referred Special Leave to Appeal was disposed of vide order dated 16.01.2024 and for reference, same is quoted below :-

"The order dated 30.04.2018 passed by the High Court of Judicature at Allahabad in Writ Appeal No. 16459 of 1999 has been assailed before this Court by filing the instant Special Leave Petition.

Upon hearing learned counsel for the parties, the following order was passed on 10.10.2023 :

"During hearing, it has come on record that the respondent has already attained the age of superannuation. However, the consequence of the order impugned is to grant notional promotion which may benefit him in postretiral and pensionary benefits, on declaring him fit.

Considering the peculiar facts of the case, the petitionerBank shall extend the benefit as directed in the order impugned declaring him fit on notional promotion

within eight weeks and produce the order along with an affidavit extending the notional benefits and settle the post retiral benefits as per the promotional post.

List the matter on 05th December, 2023."

In pursuance of the above, compliance has been made and an affidavit to this effect has been filed on 03.01.2024.

Considering the order of this Court and compliance affidavit filed by the petitioners, no life survives in this Special Leave Petition. The same is, accordingly, disposed of.

Pending interlocutory application(s), if any, is/are disposed of."

6. During pendency of above referred Special Leave to Appeal, a writ petition being Writ A No. 31426 of 1995 was decided by Coordinate Bench of this Court wherein the petitioner has sought various benefits and has disputed date of promotion. Said Writ Petition was decided on 10.04.2019 with a direction to pass a speaking order. For reference, said order is quoted below :-

"1. Heard Sri Gulrez Khan, Advocate, holding brief of Sri W.H. Khan, Advocate, for petitioner and Sri Pashupati Nath Tripathi, Advocate, for respondents.

2. By means of this writ petition, petitioner is seeking a writ of mandamus commanding respondents to promote him from the date of his wrongful dismissal, i.e., 05.10.1990 or from 05.01.1991 when the aforesaid punishment was set aside by appellant authority. He has also prayed for certain allowance/salary etc. Prayer made by petitioner in this writ petition reads as under:

"(A) issue a suitable writ, order or direction in

the nature of mandamus, commanding the respondents to (a) promote the petitioner to the post of Special Assistant from the date of his dismissal i.e. 5.10.1990 or in any case from 5.1.1991, when the appellate authority decided the petitioner's departmental appeal; (b) to pay salary for the period 6.10.1990 to 25.2.2991 (c) to pay convenience allowance admissible under rules for permanently handicapped employees from the date of accident i.e. 4.7.1987 and to return the report of his permanently disability certificate and (d) to pay compensation to the petitioner admissible under circular dated 11.9.1985, which amounts to Rs. 2,19,838."

3. In my view, the question as to whether petitioner is entitled for above benefits involves investigation into facts for which matter should be examined at the first instance by competent authority in department.

4. In view thereof, without expressing any opinion on merits of the issue, the writ petition is disposed of with liberty to petitioner to make suitable representation before competent authority raising his above claims within two months and, in case, such a representation is made along with certified copy of this order, the same shall be considered and decided by competent authority by passing a speaking order thereon within two months from the date of representation, so moved. "

7. In pursuance of above directions, impugned orders dated 01.08.2019, 23.12.2022 and 20.12.2023 were passed whereby claim for conveyance allowance was rejected since disability certificate was not submitted in a prescribed format and appeal thereof was also rejected and in pursuance of earlier order of this Court, notional promotion as well as consequential

financial benefits were determined.

8. Learned counsel for petitioner submits that orders passed by this Court were not complied with and impugned orders are challenged on various grounds.

9. Per contra, learned counsel for respondents submits that a compliance affidavit is already filed in Supreme Court and Supreme Court has disposed of the matter considering the compliance affidavit, however, said affidavit filed before Supreme Court is not on record.

10. I have considered above submissions and perused the records.

11. As referred above, punishment order awarded against petitioner was set aside with directions by this Court in judgment dated 30.04.2018 which was challenged before Supreme Court at the behest of Bank. On specific direction of Supreme Court, a compliance affidavit was filed which was taken on record and was considered and Special Leave to Appeal was, accordingly, disposed of with an observation that order passed by High Court has been satisfied.

12. A submission that no opportunity was granted to petitioner/respondent therein before Supreme Court cannot be considered by this Court and in case compliance affidavit was defective or true facts were not stated therein, the appropriate forum to raise such issues would be the Supreme Court only, where such affidavit was filed and an order was passed.

13. In aforesaid circumstances, impugned orders cannot be scrutinized by this Court, since a compliance affidavit was filed before Supreme Court that orders passed by this Court were complied with, therefore, if petitioner has any grievance so far as compliance affidavit is concerned, he will be at liberty to approach Supreme Court to take appropriate remedy.

14. In view of above, writ petition stands **disposed of**.

(Saurabh Shyam Shamshery,J.)

April 6, 2026
N. Sinha