

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).20941/2005

(From the judgement and order dated 09/06/2005 in WA No.3058/2002 of The  
HIGH COURT OF KARNATAKA AT BANGALORE)

STATE BANK OF MYSORE

Petitioner(s)

VERSUS

M.S.SRINIVASAN

Respondent(s)

(With prayer for interim relief and office report)  
(For Final Disposal)

SLP(C) NO. 7054 of 2006  
(With prayer for interim relief and office report)

WITH SLP(C) NO. 15411 of 2006  
(With prayer for interim relief and office report)

SLP(C) NO. 18431 of 2006  
(With prayer for interim relief and office report)

Date: 08/04/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN  
HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Petitioner(s)

SLP(C) no. 15411/06 Mr. Parag P. Tripathi, Sr. Adv.  
SLP(C) no. 18431/06 Mr. T.S. Sidhu, Adv.  
Ms. Pallavi Mohan, Adv.  
Mr. Ganesh Kamath, Adv.  
Mr. Junaid Akthar, Adv.  
Mr. Ashish Suman, Adv.  
for M/S. M.V. Kini & Associates

SLP(C) no. 20941/05 Mr. R.N. Keshwani, Adv.  
SLP(C) no. 7054/06 Mr. Ram Lal Roy, Adv.  
Mr. Pushpinder Singh, Adv.  
Mr. Hitesh Vali, Adv.  
Mr. A.K. Vali, Adv.

For Respondent(s)

SLP(C) no. 20941/05 Mr. Naveen R. Nath, Adv.

Ms. Amrita Sharma, Adv.  
Mr. Darpan K.M., Adv.

Mr. A.T.M. Sampath, Adv.  
Mr. S.N. Bhat, Adv.

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

SLP(C) No. 20941/05  
SLP(C) No. 15411/06

These special leave petitions have been preferred against the impugned judgment and order dated 9.6.2005 and 7.6.2006 passed by the Karnataka High Court in Writ Appeal No. 3058/2002 and Writ Appeal No. 3941/2005.

These matters relate to the voluntary retirement under a particular scheme. The Voluntary Retirement Scheme itself provided that the application for VRS shall not be considered and granted if the employee is facing any disciplinary proceedings. In the instant cases, at the time of consideration of the application for voluntary retirement, the respondents in these two matters were facing disciplinary proceedings and that is why their application was not considered. Subsequently, on conclusion of the departmental proceedings, they stood exonerated. However, during the pendency of these matters before this Court after the delivery of the judgment of the High Court the respondents in these two matters had served the Bank and retired on reaching the age of superannuation. In view of the above, we do not see any cogent reason to entertain these petitions on merit. The special leave petitions are dismissed as having become infructuous.

SLP(C) NO. 7054/2006

This special leave petition has been preferred against the impugned judgment and order dated 16.12.2005 passed by the Karnataka High Court in Writ Appeal No. 5156/2001.

This matter relates to the voluntary retirement under a particular scheme. The Voluntary Retirement Scheme itself provided that the application for VRS shall not be considered and granted if the employee is facing any disciplinary proceedings. In the instant cases, at the time of consideration of the application for voluntary retirement, the respondent was facing disciplinary proceedings and that is why his application was not considered. Subsequently, on conclusion of the departmental proceedings, he was found guilty and punishment was imposed upon him.

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Be that as it may, as the respondent had served and subsequently sought retirement under pension regulations, the petition does not survive.

In view thereof, the special leave petition stands dismissed.

SLP(Civil) No. 18431 of 2006

Leave granted.

The appeal is allowed in terms of the signed order.

	(DEEPAK MANSUKHANI)		(M.S. NEGI)	
	Court Master		Court Master	

(The signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3017 OF 2013  
(Arising out of SLP(Civil) No. 18431 of 2006)

Canara Bank .....Appellant(s)

Versus

Sri K. Mari Bhat ....Respondent(s)

O R D E R

Leave granted.

We heard learned counsel for the appellant as well as learned counsel for the respondent.

The respondent herein wanted to avail the benefits under Voluntary Retirement Scheme announced by the appellant in which the cut-off date was fixed as 30.6.2001. The scheme contained a clause as per which if any disciplinary proceeding was pending, the concerned employee who opted for VRS would not be eligible to seek the benefits of the VRS. According to the appellant Bank, the notices were issued by the Enforcement Directorate on 29th March, 2000 and 20th November, 2000 against the contesting respondent herein in respect of certain violations of Foreign Exchange Regulation Act, 1973. In the said circumstances, certain proceedings were also initiated by the Enforcement Directorate. Applying the relevant provisions contained

in the scheme, the respondent's application to avail the benefit under the voluntary retirement scheme of the year 2001 was not permitted. The respondent herein approached the High court by filing a writ petition in WP no. 42091 of 2002. In the meantime, on 5th October, 2004, the respondent herein submitted his resignation which admittedly was stated to have been accepted and respondent was relieved of his duties and the benefits payable to him pursuant to such resignation have also been settled. However, when the writ petition was taken up for hearing on 27th September, 2005, the said subsequent

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fact about the resignation of the respondent was not brought to the notice of the learned Judge. The learned Judge in writ petition 44962 of 2003 dated 15th September, 2005 directed the appellant Bank to reconsider the appellant's application dated 1.1.2001 seeking benefits under the Voluntary Retirement Scheme and pass appropriate orders by fixing a time limit of three months from the date of receipt of a copy of the order.

In our considered view, in the light of the subsequent resignation after the filing of the writ petition since the employer employee relationship got snapped, there could have been no scope for learned Single Judge to issue a direction to the appellant Bank for re-consideration of the respondent's application to go into the Voluntary Retirement Scheme. Unfortunately, the factum of resignation, its acceptance by the appellant Bank and settlement of terminal benefits were not brought to the notice of the learned Judge when the order dated 15th September, 2005 was passed.

The Division Bench order which has been impugned in this appeal cannot also, therefore, stand for the very same reason of the subsequent resignation of the respondent herein. The appeal, therefore, stands allowed. The orders impugned in this appeal are set aside.

.....J.  
(Dr. B.S. CHAUHAN)

.....J.  
(FAKKIR MOHAMED IBRAHIM KALIFULLA)

NEW DELHI  
APRIL 08, 2013.