

SUPREME COURT OF INDIA

State Bank of India

Vs.

Minshu Saxena

C.A.No.7843 of 2012

(G.S.Singhvi and Sudhansu Jyoti Mukhopadhaya JJ.)

03.12.2012

ORDER

1. This appeal is directed against order dated 13.1.2012 passed by the Division Bench of the Allahabad High Court in Writ Petition (Civil) No. 37121 of 2011. The operative portion of the High Court's order reads as under:

“In the result, the petition succeeds and is allowed. The order relating to discharge of the petitioner from service passed by the General Manager (NW-II), State Bank of India, Human Resources Department, 13 Floor, Local Head Office 11, Sansad Marg, New Delhi on 13.05.2011 (Annexure No.9 to the writ petition) is hereby quashed. A direction is issued to the respondent-bank to examine and evaluate the descriptive paper of the written examination of the petitioner and to scrutinize the case of the petitioner for confirmation on the basis of her performance in the said descriptive paper and interview, if any. Till a fresh decision is taken in this regard, the petitioner shall be allowed to continue in service with continuity, on the post of Probationary Officer and be paid emoluments, as would have been payable to her, had her services not been discharged. As far as back wages are concerned, the petitioner would be entitled to 50% of the back wages, which shall be paid to her within one month of the production of certified copy of this order.”

2. By a separate judgment pronounced today in Civil Appeal Nos. 7841- 7842 of 2012 – State Bank of India and others v. Palak Modi and another, we have upheld an almost identical order passed by the High Court in Writ Petition (Civil) Nos. 1298 of 2011 and 1512 of 2011.

3. For the detailed reasons recorded in the aforesaid judgment which shall be read as part of this order, the appeal is dismissed.

4. The appellants are directed to reinstate respondent No.1 within 15 days of the production of copy of this order before respondent No.3 and give her all consequential benefits like pay, allowances, etc. within next one month. However, it is made clear that this order shall not preclude the competent authority from taking fresh decision in the matter of confirmation of respondent No.1 after giving her effective opportunity of hearing against the allegation of use of unfair means in the test held on 27.2.2011.