
(1994) 10 GUJ CK 0008

In the Gujarat High Court

Case No : Special Civil Application No. 11332 of 1994

J.A. Kazi

APPELLANT

Vs

District Registrar and Others

RESPONDENT

Date of Decision : 03-10-1994

Acts Referred:

Citation : (1995) 2 GLR 1495

Hon'ble Judges : M.R. Calla, J

Bench : Single Bench

Judgement

M.R. Calla, J.—The petitioner herein has been working as Assistant Manager with Respondent No. 3 Bank, i.e., The United Co-operative Bank Ltd. The petitioner was placed under suspension on 15-10-1988 and the allegations were conveyed to him by the Inquiry Officer as pointed out by the learned counsel for the petitioner vide letter dated 7-3-1989 to which a detailed reply was filed by the petitioner on 6-5-1989. It has been argued by the learned Counsel for the petitioner that the papers were taken back from the Inquiry Officer sometime in October 1993 and thereafter, the matter was entrusted to another Inquiry Officer in the end of the year 1993. In the meanwhile the petitioner filed a Civil Suit No. 1516 of 1991 in the City Civil Court, Ahmedabad on 18-3-1991 wherein the order of status quo against the inquiry proceedings was passed on 2-4-1991 and vacated on 13-4-1992. In this suit there were two prayers. The first was that till the disposal of the suit the inquiry should not be proceeded further and the second was that till the disposal of the suit full salary should be paid. On 12-4-1991 the petitioner preferred another suit numbered as 2165 of 1991 with a prayer that his services should not be terminated and further prayer that for fifteen days after the report of the Inquiry Officer, no steps should be taken against the petitioner. In both these suits final orders on the injunction applications were passed on 13-4-1992. In the first suit numbered as 1516 of 1991 the order of the status quo was vacated and in the second suit numbered as 2165 of 1991 the order was passed to the effect that in case the order of termination is passed the same would not be given effect for a period of fifteen

days. It is argued by the learned counsel for the petitioner that both the suits are yet pending and he has made a statement before this Court under instructions from his client that both the suits will be withdrawn by him within a period of two weeks from today and the certified copies thereof shall be produced before the respondent Bank. Mr. Tanna has also submitted that the department has examined all its witnesses and the version of the petitioner has also been recorded in the inquiry proceedings. In this inquiry about 112 adjournments have been given. The petitioner has throughout been co-operating and except from 2-4-1991 to 13-4-1992 no delay can be attributed against the petitioner and for the aforesaid period of about one year, that is, 2-4-1991 to 13-4-1992 there was an injunction order passed by the Court in the suit filed by the petitioner. It has also been urged that principal witnesses of the department, that is, the concerned lawyer had already been examined and he has admitted in the cross-examination that the entire amount in dispute had been received by him. The petitioner is suffering agony of suspension and the inquiry since 15-10-1988. It is unfortunate that the respondent bank has not been able to complete the inquiry even by now when we are approaching the end of the year 1994. Thus, it is a case of prolonged suspension and whatever time has been consumed and the delay in proceeding is not solely attributable to the petitioner and it appears that the inquiry proceedings are not advancing for quite sometime.

2. In the facts and circumstances of the case, in my considered opinion the ends of justice would be met if the respondents are directed to conclude the inquiry including passing of the final orders within a period of four months from the date the certified copy of this order is produced before respondent No. 3. Should the concerned respondent fail to complete the inquiry and pass the final order within a period of four months from the date the certified copy of this order is made available to respondent No. 3, the petitioner's suspension shall automatically come to an end and the petitioner shall stand relegated to the position which he was holding prior to 15th October 1988, of course subject to the condition that the petitioner produces certified copies of the orders withdrawing the aforesaid two suits which are to be withdrawn by him within a period of two weeks from today. However, the inquiry may continue even if the suspension is over and the 15-10-1988 and the respondent shall pass appropriate orders according to rules thereafter in the matter of inquiry and the period of suspension. In case, any order adverse to the petitioner is passed and the petitioner facts that the order is served upon the petitioner by itself shall not come in his way for obtaining interim orders if he is otherwise found entitled for the same. The Special Civil Application is accordingly disposed of. Direct service is permitted.

3. Petition disposed off with directions.