
(1993) 03 RAJ CK 0040
In the Rajasthan High Court
Case No : Civil Writ Petition No. 404 of 1990

Man Singh

APPELLANT

Vs

Jalore Central Cooperative Bank Ltd. and Another

RESPONDENT

Date of Decision : 10-03-1993

Acts Referred:

Rajasthan Co-operative Societies Act, 2001 — Section 74(2)

Citation : (1993) WLN 126

Hon'ble Judges : R.P. Saxena, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rajendra Saxena, J.—Heard.

2. The petitioner by means of this writ petition has challenged his suspension order dated 3.12.1988 Ex. 1 passed by respondent No. 2 for contemplated disciplinary enquiry against him and prayed that despite specific mention therein that the subsistence allowance shall be paid to him, the respondents have neither paid him the suspension allowance nor conducted the disciplinary enquiry.

3. The respondents in their counter have alleged that the petitioner has concealed material facts and narrated false facts to the effect that he had already found guilty of embezzlements after enquiry u/s 74(2) of the Rajasthan Cooperative Societies Act vide Annexure-R/1 dated 18.6.1987, Annexure-R/2 dated 27.2.88 and Annexure-R/3 dated 9.8.1988 and on this ground alone this writ petition deserves to be dismissed. They have further alleged that there were allegations against the petitioner that he had committed embezzlements in various Samitis, hence he was suspended vide order dated 3.12.1988 Ex. 1 and ordered to give his attendance in the office. However, the petitioner remained absent without any leave from 3.12.1988 till 30.1.1990 and submitted his joining report Ex. 4 on 30.1.1990. Hence the petitioner is not entitled for any subsistence allowance for the said period. The respondents have also submitted

office order dated 31.5.1990 Annexure-R/5, a bare perusal thereof reveals that after conducting the necessary enquiry, the petitioner has been found guilty of the misconduct of committing embezzlement as also for the misconduct of wilfully remaining absent from duty and his services have been terminated.

4. In such circumstances, since a final order has already been passed by a competent authority against the petitioner the impugned suspension order Ex. 1 has merged therein and this writ petition has become infructuous.

5. Hence, this writ petition stands dismissed as having become infructuous. However, the petitioner shall be at liberty to seek his remedy about the termination of his services and penalty inflicted upon him by the respondents in accordance with law. No order as to costs.