
(2010) 01 AHC CK 0044
In the Allahabad High Court
Case No : C.M.W.P. No. 71788 of 2009

Ram Dev Ram, Branch Manager (Suspended) Zila Sahkari Bank Ltd., Branch Raniganj, Ballia APPELLANT

Vs

State of U.P. and others RESPONDENT

Date of Decision : 13-01-2010

Acts Referred:

Citation : (2010) 125 FLR 488

Hon'ble Judges : Satya Poot Mehrotra, J;Kashi Nath Pandey, J

Bench : Division Bench

Advocate : Ram Pandey and Girish Chandra Yadav, for the Appellant; Sujeet Kumar Rai, C.S.C., for the Respondent

Judgement

Satya Poot Mehrotra and Kashi Nath Pandey, JJ.—The present writ petition has been filed by the petitioner making the following prayers:--

(A) Issue a writ, order or direction in the nature of mandamus commanding the respondent No. 3 to pay the 2/3rd salary of the petitioner as subsistence allowance since July 2008 during the suspensions period.

(B) Issue a writ, order or direction in the nature of mandamus commanding the respondent No. 3 to provide the necessary documents which demanded by the petitioner so that the proper reply of show cause notice may be immediately possible.

(C) To issue any other writ, order or direction which this Hon"ble Court may deem fit and proper under the facts and circumstances of the case, so that justice be done.

(D) To award the cost of the proceeding of the writ petition to the petitioner.

2. From the averments made in the writ petition, it appears that the petitioner while working as Branch Manager, District Co-operative Bank Ltd,; Branch Rani Ganj, District Ballia was placed under suspension by the order dated 15.2.2008

(Annexure-1 to the writ petition), and the disciplinary- proceeding were initiated against the petitioner. The petitioner was served with charge sheet dated 28.3.2008 (Annexure-2 to the writ petition). The petitioner submitted his reply dated 17.4.2008 (Annexure-3 to the writ petition) in respect of the charges levelled against him in the said charge sheet.

3. The petitioner filed a writ petition being Civil Misc. Writ Petition No. 138813 of 2008 before this Court challenging the aforesaid order of suspension passed against the petitioner. By the order dated 4.8.2008 (Annexure-4 to the writ petition), the said writ petition filed by the petitioner was dismissed by this Court with the observation that the "Departmental inquiry shall be concluded very expeditiously, provided the petitioner co-operates and does not seek unnecessary adjournments in the inquiry proceedings."

4. It further transpires that after the said order dated 4.8.2008 passed by this Court, the inquiry report dated 27.8.2008 (Annexure 5 to the writ petition) was submitted. A show-cause notice dated 10.2.2009 (Annexure-6 to the writ petition) was thereafter served on the petitioner.

5. It is inter alia, averred in the writ petition that after receiving the said show-cause notice, the petitioner demanded several papers from the respondent No. 3. However, despite several applications, no paper has been supplied to the petitioner by the respondent No. 3.

6. It is inter alia, further averred in the writ petition that the petitioner also made several representations on the respondent No. 3 for payment of subsistence allowance at the rate of 2/3rd of the salary. However, nothing has been done in the matter. Copies of the representations have been filed and collectively marked as Annexure-8 to the writ petition.

7. Thus the grievance raised by the petitioner in the present writ petition is regarding non-payment of subsistence allowance at the rate of 2/3rd of the salary of the petitioner.

8. We have heard Sri D.C. Yadav holding brief for Sri Shri Ram Pandey, learned Counsel for the petitioner and Sri S.K. Rai, learned Counsel for the respondent Nos. 2, 3 and 4. Learned Standing Counsel appearing for the respondent No. 1 has also been heard.

9. Having regard to the facts and circumstances narrated above and having considered the submissions made by the learned Counsel for the parties, we are of the opinion that the interest of justice would be subserved in case the writ petition is disposed of permitting the petitioner to make a fresh comprehensive representation before the respondent No. 2 and directing the respondent No. 2 to decide such representation within a specified period.

10. We accordingly disposed of the present writ petition with the following directions:--

1. The petitioner will make a fresh comprehensive representation before the respondent No. 2 alongwith a certified copy of this order within five weeks from today.
2. The respondent No. 2 will decide the representation in accordance with law by passing a speaking order expeditiously, preferably within a period of six weeks from the date of receipt of such representation.
11. It is made clear that this Court has not adjudicated the claim of the petitioner on merits.