

Court No. - 33

Case :- WRIT - A No. - 14267 of 2023

Petitioner :- Narendra Kumar

Respondent :- Indian Bank Through Its General Manager And 2 Others

Counsel for Petitioner :- Namit Kumar Sharma, Gunjan Sharma, Sr. Advocate

Counsel for Respondent :- Pashupati Nath Tripathi

Hon'ble J.J. Munir, J.

Heard Mr. Namit Kumar Sharma, learned Counsel for the petitioner and Mr. P.N. Tripathi, learned Counsel for the respondent-Bank.

The petitioner has challenged the order of suspension pending inquiry dated 21.03.2022. The charges against the petitioner relate to disbursement of loan in excess of his discretionary powers, sanction of more than one loan under the same scheme to the same borrower without obtaining approval of the higher Authorities and like matters. It is common ground between parties that the petitioner has been issued three distinct and different charge-sheets, wherein he is facing disciplinary proceedings. The charge sheets are dated 21.03.2023, 27.03.2023 and 22.06.2023. All these disciplinary proceedings are pending and the learned counsel for the petitioner submits that he is languishing under suspension since more than a year and a half.

In the circumstances, bearing in mind the nature of the charges and the petitioner's office, while this Court declines to interfere with the suspension order at this stage, it is ordered that all pending disciplinary proceedings against the petitioner arising out of three

charge sheets shall be concluded by the respondents, within three months of date, wherein the petitioner shall cooperate.

It is, however, made clear that this order will not be construed to mean any kind of expression of opinion by this Court on the merits of the charges either way. It is for the respondents to establish the charges at a duly constituted inquiry by producing evidence before the Inquiry Officer, wherein the petitioner will have a right to defend himself. It is further directed that the petitioner shall be paid his subsistence allowance regularly, without asking him to furnish a non alternative engagement certificate. Arrears of subsistence allowance, if any, shall be paid within fifteen days hence. In the event, disciplinary proceedings, not just the inquiry, are not concluded within three months next, for reasons not attributable to the petitioner, the petitioner shall be entitled to move this Court again seeking revocation of his continued suspension.

This petition is **disposed of** in terms of the aforesaid orders.

Let this order be communicated to the General Manager, Indian Bank, Corporate Office, 254-260, Avvai Shanmugam Salai, Royapettah, Chennai and the Assistant General Manager, Indian Bank, Zonal Office, HRM Cell, D-211/2, Indian Bank Building, Sector 61, Noida by the Registrar (Compliance) **within 48 hours**.

Order Date :- 6.11.2023

Deepak