

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Reserved on: 03rd March, 2015
Judgment Pronounced on: 20th March, 2015

W.P.(C) 11865/2005

N.M. JAIN

..... Petitioner

Through: Mr. Ashok Bhalla, Advocate.

versus

VIJAYA BANK

..... Respondent

Through: Mr. Jagat Arora and Mr. Rajat Arora, Advocates.

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI

P.S.TEJI, J.

1. The writ petition has been filed by the petitioner for issuance of writ, order or direction in the nature of mandamus directing the respondent Bank to release full pay and allowances to the petitioner for the period of his suspension w.e.f. 12.11.1996 to 12.10.1999 with consequential benefits along with interest @ 12% per annum and to release difference of subsistence allowance for the said period along with interest.
2. The facts giving rise to the present writ petition are that the petitioner was working as Senior Manager in Vijaya Bank; his

service conditions were governed by Vijaya Bank Officer Employees' (Discipline & Appeal) Regulations, 1981; petitioner was suspended on 11.07.1996 on account of alleged irregularities while handling public issues of M/s G.K. Consultants Ltd., M/s Grivs Hotels Ltd. and M/s Natura Hue-Chem Ltd.; he preferred an appeal dated 22.07.1996; suspension order was revoked and petitioner was posted at Zonal Office vide order dated 13.08.1996; petitioner was again suspended vide order dated 12.11.1996; an FIR was registered by the CBI against the petitioner amongst others; petitioner preferred an appeal dated 18.02.1997 which was rejected by the Bank vide order dated 20.05.1997; a charge-sheet dated 09.05.1998 was served upon the petitioner; another charge-sheet dated 31.07.1998 was served upon him; after inquiry major punishment of dismissal was given on 12.10.1999; name of the petitioner was dropped in the charge-sheet filed by the CBI; petitioner submitted a representation dated 09.08.2004 for release of his pay and allowances but no response to the same was received.

3. The case of the respondents reflected from the counter affidavit is the denial of the contentions of the petitioner. The petitioner was working as Senior Manager, Vijaya Bank at Ansari Road Branch from 23.04.1991 to 30.05.1996; he was suspended vide order dated 11.07.1996 for committing various irregularities; suspension was revoked vide order dated 13.08.1998; a charge sheet dated 09.05.1998 was issued to him; after conducting departmental inquiry, he was dismissed from services vide order dated

12.10.1999; after revocation of suspension, petitioner was once again suspended vide order dated 12.11.1996; charge sheet dated 31.07.1998 was issued to him; an inquiry was conducted which could not be completed due to his dismissal from service in another charge-sheet; petitioner was not entitled to receive any pay and allowances for the period 12.11.1996 to 12.10.1999 as he did not fall under Regulation 15(1) of the Bank Regulations.

4. During the course of arguments, it has been submitted by the learned counsel for the petitioner that a representation dated 09.08.2004 (Annexure P-11) was submitted by the petitioner with the Bank authorities for release of pay and allowances for the period of suspension w.e.f. 12.11.1996 to 12.10.1999, but no response to the same has been received so far. Even in the counter affidavit the respondent avoided to answer the contention of the petitioner as to what decision has been taken on the same. Learned counsel vehemently argued that representation of the petitioner is still pending with the respondent Bank and no decision has been taken on the same so far.
5. In Para 9 of the Writ Petition, the petitioner has mentioned that he had filed representation dated 09.08.2004. Para 9 of the Writ Petition reads as under :

“That the Petitioner, as such, was entitled to full pay and allowances for the period of suspension from 12.11.1996 to 12.10.1999, which have illegally not

been released by the Respondent Bank despite representation dated 9.8.2004, which was not even responded by the Respondent Bank.”

6. In the counter affidavit filed on behalf of the respondent Bank, the respondent is completely silent on the issue of representation dated 09.08.2004 submitted by the petitioner. It has not been mentioned by the respondent as to what decision has been taken by them on the representation of the petitioner with regard to release of pay and allowances of the petitioner for the aforesaid period. In reply to para 9 of the writ petition, the respondent mentioned that the petitioner is not entitled to receive any pay and allowances, but has not given any reply to the effect whether any decision on the representation of the petitioner has been taken or not.
7. Admittedly, no decision on the representation dated 09.08.2004 (Annexure P-11) of the petitioner has been taken by the respondent Bank so far. The contention made by the petitioner in para 9 of the Writ Petition and the admitted position being no decision taken by the respondent on the representation shows that the representation of the petitioner is still pending.
8. In view of above mentioned facts and circumstances, this Court is of the considered view that it would be in the interest of justice to decide the representation (Annexure P-11) of the petitioner. Consequently, the respondent Bank is directed to decide the representation dated 09.08.2004 (Annexure P-11) submitted by the

petitioner within a period of three months from the date of the order.

9. With the above observations, the present Writ Petition is disposed of. No order as to costs.

P.S.TEJI, J.

March 20, 2015
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