

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 21 OF 2016**

Shri Christo Fernandes
Age 42 years
S/o Joaquim Fernandes,
Resident of C-16/118,
Voddlem Bhatt,
Taleigao – Tiswadi Goa. Petitioner

V e r s u s

1. Goa Institute of Management
Represented by its Secretary,
Mr. Peter F. X. D'Lima
Goa Institute of Management,
Sanquelim Campus, Poriem,
Sattari Goa 403 505.
2. Mr. Ananth Prabhu
Enquiry Officer,
18, Tarcar Colony,
Near Hotel Goa International,
Miramar, Caranzalem,
Goa 403 002. Respondents

Mr. G. K. Sardessai, Advocate for the petitioner.

Mr. R. Ramani, Advocate for the respondent no.1.

Coram:- F. M. REIS &
K. L. WADANE, JJ

Date :- 4th February, 2016

ORAL JUDGMENT (Per F. M. Reis, J)

Heard Mr. G. Sardessai, learned counsel appearing for the petitioner and Mr. R. Ramani, learned counsel appearing for the respondent no.1.

2. Notice to the other respondent stands dispensed with considering the nature of the grievance raised in the above petition.

3. Rule. Heard forthwith with the consent of the learned counsel.

4. Mr. Ramani, learned counsel waives service on behalf of respondent no.1.

5. The above petition challenges the order passed by the Inquiry Officer dated 03.12.2015 whereby a request made by the petitioner to be represented by a lawyer in an inquiry pending before the respondent no.2 came to be rejected. The petitioner has also raised a grievance that there was no specific direction that the subsisting allowance during the suspension period would be half of the salary and according to the petitioner he would be entitled for full salary even during the suspension period. The said contention of the learned counsel appearing for the petitioner has been seriously disputed by Mr. Ramani, learned counsel appearing for the respondent no.1.

6. After hearing the matter for some time, the above petition stands disposed of by consent on the following terms :

(i) The impugned order dated 03.12.2015 passed by the Inquiry Officer stands modified and the petitioner and the respondent no.1 if they so desired are granted leave to be represented by a lawyer for the inquiry before the respondent no.2.

(ii) The petitioner is at liberty to file an application with regard to his claim of salary during the suspension period before the respondent no.2 which application shall be considered and disposed of only at the final hearing of the inquiry by the respondent no.2.

(iii) The respondent no.2 shall dispose of the inquiry as expeditiously as possible and in any event preferably within three months from today.

(iv) The parties shall cooperate with the Inquiry Officer to expeditiously dispose of such proceedings in accordance with law.

(v) All contentions of both the parties on merits are left open including the maintainability of the above petition.

(vi) Rule stands disposed of in the above terms.

(vii) The petition stands disposed of with no order as to costs.

K. L. WADANE, J

F. M. REIS, J

at*