

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 810 OF 2016

IN

WRIT PETITION NO. 771 OF 2015

AND

MISC.CIVIL APPLICATION NO. 811 OF 2016

IN

WRIT PETITION NO. 773 OF 2015

MISC.CIVIL APPLICATION NO. 810 OF 2016

IN

WRIT PETITION NO. 771 OF 2015

THE GOA STATE CO-OPERATIVE BANK
LTD. AND ANR., .

.. Applicants

Versus

MR. SURENDRA J. KALANGUTKAR.,

... Respondent

AND

MISC.CIVIL APPLICATION NO. 811 OF 2016

IN

WRIT PETITION NO. 773 OF 2015

THE GOA STATE CO-OPERATIVE BANK
LTD. AND ANR., .

.. Applicants

Versus

MR. SANDEEP P. LOTLIKAR

..Respondent

Mr. G. K. Sardesai, Advocate for the applicants.

Mr. C. Padgaonkar, Advocate for the respondent.

Coram:- F. M. REIS &
NUTAN D. SARDESSAI, JJ.

Date:- 17th October, 2016

P.C.

Heard Mr. G. K. Sardesai, learned counsel appearing for the applicants and Mr. C. Padgaonkar, learned counsel appearing for the respondent.

2. This is an application for extension of time to complete the enquiry in terms of the directions issued by this Court in the judgment dated 02.03.2016.

3. The learned counsel appearing for the respondent opposes such extension as according to him though there are directions to pay the subsistence allowance to the respondent/original petitioner, the applicants had arbitrarily deducted the amount towards the alleged payment of loan which ultimately resulted that the respondent/original petitioner did not receive any amount towards subsistence allowance. It is further pointed out that no effective hearing was given to the respondent/original petitioner by the Enquiry Officer to

expedite the disposal of the Enquiry Proceedings. The learned counsel appearing for the applicants however, points out that the Enquiry Officer has also taken a view with regard to the payment of subsistence allowance on 05.10.2016.

4. Mr. Sardesai, learned counsel appearing for the applicants upon instructions states that full subsistence allowance including DA payable, which the respondent/petitioner is entitled would be paid without any deduction from the month of October, 2016 without prejudice to the rights and contentions. The respondent/original petitioner, if he is so aggrieved by the said order of the Enquiry Officer in connection with the subsistence allowance is at liberty to challenge such order in an appropriate forum. But however, as far as the extension of time to comply with the directions issued by this Court in the said judgment, we find it appropriate in the interest of justice to extend the time to complete the enquiry as last chance by a further period of two months. The extension is granted subject to the applicants/original respondents paying the subsistence allowance in terms of the statement of the learned counsel appearing for the applicants/original respondents from the month of October,

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2016 until the disposal of the Enquiry Proceedings. All contentions of the learned counsel appearing for the respondent/original petitioner with regard to the payment of the subsistence allowance are left open which is disputed by the learned counsel appearing for the applicants.

5. The application stands disposed of accordingly.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

at*