

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 8562 of 2001

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondents to release the arrears of salary from 01.09.1987 to 15.06.1990 and arrears of subsistence allowance from 16.06.1990 to 02.01.1994 along with interest at 12% per annum to the petitioner and declare the action of the respondents in not releasing the said amounts to the petitioner on par with the co-delinquents, as illegal and arbitrary.

2. Heard Mr. J. Sudheer, learned counsel for the petitioner, and Ms. V. Uma Devi, learned standing counsel for the respondent bank.

3. It has been contended by the counsel for the petitioner that the petitioner was placed under suspension vide orders dated 16.06.1990 and after conducting disciplinary proceedings, he was imposed a major penalty of removal from service vide orders dated 03.01.1994. It is also contended that as the arrears of salary up to 15.06.1990 and revised subsistence allowance from 16.06.1990 till 03.01.1994 are not paid to him consequent upon revision in scales, the petitioner submitted a representation dated 15.11.2000 to the respondents, for which the respondents gave reply on 12.12.2000 stating that the dues payable towards arrears of pay and allowances and difference of subsistence allowance on account of NIT award have been calculated

and the same has been adjusted towards part satisfaction of a decree passed against the petitioner and others in O.S.No.107 of 1990 on the file of the Subordinate Judge, Srikakulam. Questioning the same, the petitioner filed the present writ petition.

4. Learned standing counsel for the respondent bank submitted that the respondent bank had rightly adjusted the amount payable to the petitioner towards satisfaction of the decree passed against the petitioner and others by the civil Court in O.S.No.107 of 1990 and therefore the respondent bank is not liable to pay any amount.

5. Having considered the submissions made by the parties, without expressing any opinion on merits of the case, this Court is of the considered view that ends of justice would be met, if the petitioner is directed to submit a fresh representation to the respondent bank.

6. Accordingly, the writ petition is disposed of with a direction to the petitioner to submit a fresh representation within four weeks and upon receiving such representation, the respondents shall consider the same and pass orders within eight weeks thereafter.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand closed. There shall be no order as to costs.

ABHINAND KUMAR SHAVILI, J

6th July, 2018
cbs

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(disposed of)

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