

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.15354 OF 2019

HDFC Bank Limited

Petitioner

Versus

Abdul Moiz Mohammad s/o Abdul Sattar

Respondent

Mr. R.S. Deshmukh, Advocate holding for Mr. M.D. Narwadkar,
Advocate for the petitioner.

Mr. N.V. Gaware, Advocate holding for Mr. A.P. Gaikwad, Advocate for
the respondent.

CORAM : Ravindra V.Ghuge, J.

DATE : 19th December, 2019.

PER COURT :

1. After a marathon hearing of this matter on 18.12.2019 and considering the ill-worded communication dated 10.10.2019 made by respondent to various dignitaries, I expressed my displeasure to the learned Advocate appearing on behalf of the respondent-original plaintiff in Regular Civil Suit No. 248/2018. The learned Advocate, in consultation with the plaintiff, submitted that the plaintiff would submit an affidavit/unconditional apology to this Court.

2. Today, the plaintiff has tendered an apology along with his verification expressing his apology and regret. The same is taken on record and marked as 'X-1' for identification. Copy of the same is handedover to the learned Advocate for the petitioner.

3. Considering the above and the understanding between the parties as a Stop Gap arrangement, this petition is partly allowed by issuing the following directions :-

A) The impugned order dated 24.10.2019 passed by the trial Court in Regular Civil Suit No. 248/2018 vide which, application Exhibit 14 was allowed and the plaintiff was granted re-instatement in service, shall stand set aside.

B) The respondent-plaintiff shall be treated as being in employment notionally with effect from 01.12.2019 and shall be paid salary from the month of December 2019 payable in January 2020, at par with similarly situated/comparable employees presuming that he is in employment as on date.

C) The petitioner shall pay the above salary on each pay date to the respondent till July, 2020.

D) As the petitioner-management has taken a stand that they have no vacancy to deploy the plaintiff, in the event the petitioner-management desires to utilise the services of the respondent, they may deploy him in a nearby place from Ahmednagar since he would be contesting the suit in the Court at Ahmednagar.

E) Regular Civil Suit No. 248/2018 (Earlier Regular Civil Suit No. 207/2013) shall be decided by the trial Court as expeditiously as possible and in any case, on or before 31.07.2020.

F) All contentions of the litigating sides are kept open including the objection of the petitioner that the plaintiff has been gainfully employed during the pendency of the suit.

G) In the event the plaintiff suffers an adverse order in the suit, that would not call for recovery of the monthly salary paid to him for the months from December 2019 till July 2020.

H) Considering the affidavit 'X-1', copy of which will also be placed on record before the trial Court, the plaintiff shall henceforth be restrained from entering into any correspondence which would amount to maligning the majesty of law and the Courts or any dignitary.

I) Considering that the petitioner-management would be paying monthly salary to the plaintiff, he shall be restrained from taking up any job, profession, calling, business, trade or gainful employment during this period as it would result in double employment and he would then be dis-entitled for such monthly payment.

J) This order is by way of an adjustment between the parties and shall not influence the trial Court while deciding the suit, inasmuch as, this order shall not be construed to mean that equities or any right has been created in favour of the plaintiff.

Ravindra V.Ghuge
Judge

dyb