

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 978 OF 2019**

Philips Edward,
Son of P. Edward,
Aged about 38 years,
A/25, Block C, Janata Flat
Sunshine Apartments,
Sector 99 Gautam Buddha Nagar,
Noida,
Uttar Pradesh, 201 301.

... Petitioner

Versus

Indian Overseas Bank,
Through its Chief Regional Manager,
Regional Office,
Personnel Administration Dept.,
Salgaocar Centre, Rue De Qurem,
Panaji Goa.

... Respondent

Mr. Kaif Noorani and Ms. R. Shaikh, Advocates for the Petitioner.

Mr. G. Agni, Advocate for the Respondent.

**Coram:- M. S. SONAK &
C. V. BHADANG, JJ.**

Date:- 2nd December, 2019

Oral Judgment (Per M. S. Sonak,J)

Heard Mr. Noorani, learned counsel for the Petitioner and Mr.
G. Agni, learned counsel for the Respondent.

2. Taking into consideration the issue involved in this writ petition, we grant rule and proceed to make rule returnable forthwith with the consent and at the request of the learned counsel for the parties.

3. The Petitioner's first grievance relates to modalities for payment of subsistence allowance. The Petitioner has pointed out that after his suspension, the subsistence allowance has indeed been sanctioned to him. However, the subsistence allowance has not been paid to him because the Respondent required him to travel to Goa in order to comply with the certain bank formalities and receive the same.

4. The Petitioner has pointed out that the Petitioner is presently staying at Noida, UP. He has pointed out that he has a child afflicted with cerebral palsy. In his representation dated 10th July, 2019, which is annexed at page 67, in this petition, the Petitioner has requested on humanitarian ground, to send the draft of subsistence allowance to the Indian Overseas Bank, Sarfabad, Sector -73, Noida, U.P. from where he will collect the subsistence allowance, after submitting non employment certificate on monthly basis.

5. Mr. Agni, learned counsel for the Respondent on the basis of instructions from the Respondent makes a statement that the request made by the Petitioner will be considered favourably and the subsistence

allowance will be dispatched to the Noida Branch as indicated by the Petitioner. He submits that this entire exercise will be completed within four weeks from today at the earliest.

6. He also clarifies that the subsistence allowance right from the date of suspension will be paid to the Petitioner. Mr. Noorani states that necessary non employment certificate will be furnished by the Petitioner at Noida Branch.

7. The aforesaid, takes care of the first grievance of the Petitioner.

8. The second grievance of the Petitioner is that the suspension order dated 25th January, 2019, needs to be quashed because the inquiry has not even been commenced much less concluded. Mr. Noorani on the basis of the instructions however states that if the Respondent completes inquiry within six months, then, the Petitioner, will not press for the relief of quashing and setting aside of the suspension order dated 25th January, 2019.

9. Mr. Agni, learned counsel for the Respondent states that the charge-sheet against the Petitioner is being finalized and will be issued latest within four weeks from today. He also states that inquiry will be completed within six months from the date of issue of charge-sheet, provided the

Petitioner cooperates in the completion of such inquiry. Mr. Noorani on the basis of the instructions states that the Petitioner will cooperate in the expeditious completion of such inquiry.

10. Accordingly, we accept the statement of Mr. Agni that the charge-sheet will be issued latest within four weeks from today and further inquiry will be completed within six months from the date of issue of charge-sheet. We also accept the statement of Mr. Noorani made on behalf of the Petitioner, who is present in the Court today that the Petitioner will cooperate during the course of the inquiry.

11. According to us, this takes care of second grievance of the Petitioner as well.

12. Rule is accordingly disposed of in the aforesaid terms. There shall be no order as to costs.

13. All concerned to act on the basis of the authenticated copy of this order.

C. V. BHADANG, J.

M. S. SONAK, J.

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