

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.3679 of 2015**

- Gopal Prasad Jaiswal, S/o Late Shri J. R. Jaiswal, Aged About 55 Years, R/o Purani Basti, Gopiyapara, Akaltara, PO & PS Janjgir Champa Dist, Chhattisgarh State. PIN 495552

----- Petitioner**Versus**

1. Chhattisgarh Rajya Gramin Bank Through Its Chairman, Head Office, Mahadev Ghat Road, Sunder Nagar (PO & PS), Raipur Dist, Chhattisgarh State PIN 492013
2. General Manager (Admn) Chhattisgarh Rajya Gramin Bank, Head Office, Mahadev Ghat Road, Sunder Nagar (PO & PS), Raipur, Raipur Dist, Chhattisgarh State PIN 492013

----- Respondents

For Petitioner	Mr. K. R. Nair, Advocate
For Respondents	None, though served

Hon'ble Justice Shri Sanjay K. Agrawal**Order On Board****14/07/2021**

1. The proceedings of this matter have been taken up through Video Conferencing.
2. Mr. K. R. Nair, learned counsel for the petitioner, would submit that the petitioner

was placed under suspension by the respondent bank vide order dated 17.04.2010 (Annexure-P/2), while he was charge-sheeted on 16.03.2011 (Annexure-P/3). The Enquiry Officer submitted his report on 15.07.2014 (Annexure-P/4) and thereafter the petitioner submitted his final defence statement vide Annexure-P/5 dated 30.07.2014 and thereafter the Disciplinary Authority issued a show cause notice dated 01.09.2014 (Annexure-P/6) and the petitioner submitted his reply dated 27.09.2014 (Annexure-P/7) and finally the Disciplinary Authority imposed a major penalty upon the petitioner vide order dated 14.10.2014 (Annexure-P/8), which has been confirmed by the Appellate Authority vide order dated 15.04.2015 (Annexure-P/1). He would further submit that though the disciplinary proceeding has been terminated on 22.10.2014, no order has been passed with regard to full wages and allowances from 17.04.2010 to 29.11.2014 for which the petitioner has made representation to the General Manager, Chhattisgarh Rajya Gramain

Bank, the respondent No.2 on 07.08.2015 (Annexure-P/10), but no decision has been taken on the said representation for payment of full wages and allowances for the aforesaid period, therefore, the respondent authorities may be directed to consider and decide the representation of the petitioner. He would also submit that the petitioner's case is covered by the decision rendered by the Supreme Court in the matter of **Ajay Kumar Choudhary vs Union of India through its Secretary and another**¹.

3. None for the respondents, though served.
4. I have heard learned counsel for the petitioner, considered his submission made herein-above and went through the records with utmost circumspection.
5. It is apparent from the record that the petitioner was placed under suspension vide order dated 17.04.2010 (Annexure-P/2) and was inflicted with the major penalty vide order dated 14.10.2014 (Annexure-P/8), which

¹ (2015) 7 SCC 291

was received by the petitioner on 29.11.2014, but while passing the impugned order, no order has been passed by the Disciplinary Authority with regard to the payment of wages and allowances from 17.04.2010 to 29.11.2014, which the Disciplinary Authority ought to have passed, as it is the case of the petitioner that during the suspension period, he has only been paid the subsistence allowance. Even the representation has been made by the petitioner on 07.08.2015 (Annexure-P/10), but the same has not been considered and decided till date.

6. Be that as it may, since the petitioner's representation is pending for payment of full wages and allowances from 17.04.2010 to 29.11.2014 and no decision has been taken by the Disciplinary Authority, the respondent bank/Disciplinary Authority is directed to take a decision on the petitioner's representation for the payment of full wages and allowances from 17.04.2010 to 29.11.2014

by passing a reasoned and speaking order within a period of 45 days from the date of receipt of copy of this order.

7. With the aforesaid observation, the writ petition finally stands disposed of.
8. The petitioner is at liberty to make additional representation and file document/judgment of the Supreme Court in the matter of **Ajay Kumar Choudhary** (supra).

Sd/-
Sanjay K. Agrawal
Judge

Nirala