

05
07.06.2022
sb
Ct 23

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 5225 of 2022

Samaresh Sarkar
Vs.
The Central Bank of India & Anr.

Mr. Durga Prasad Dutta,
Mr. Sumanta Ganguly
.... For the petitioner.

Mr. Bishwambher Jha
... For the respondent Bank

The petitioner, while serving the respondent Bank as Branch Manager, at Mamrabazar Branch, Durgapur, of Central Bank of India was arrested on 29th August, 2015 in connection with Serampore P. S. Case No. 406 of 2015 dated 29th August, 2015 for commission of offences under sections 302/201 of Indian Penal Code, 1860. The respondent Bank, as an employer, issued a suspension order dated 31st August, 2015. The petitioner is still in jail custody. The petitioner's wife has affirmed this writ petition alleging that the subsistence allowance which was paid to the petitioner after being suspended on 31st August, 2015, has been stopped after November, 2021.

The respondent Bank by filing a report in the form of an affidavit in support of stopping the subsistence allowance has referred to a Circular under which it is made obligatory on the part of the suspended employee to report at the Regional Office/Zonal Office for daily

recording of attendance, failing which the subsistence allowance is liable to be stopped. In the instant case, the petitioner is in jail custody and as such cannot be personally present either before the Regional Office/Zonal Office of the respondent Bank for daily recording of attendance. In this factual scenario the Circular cannot be implemented as against the petitioner asking him to attend the office on regular basis for recording daily attendance.

In the facts and circumstances as aforesaid, I direct the Central Bank of India to immediately start payment of the subsistence allowance to the petitioner. The subsistence allowance for the month of May, 2022, shall be paid by 15th June, 2022.

So far as the arrears between December, 2021 and April, 2022 are concerned, the respondents shall pay the same by 30th June, 2022, failing which the respondents shall be liable to pay interest for the delay to the petitioner at the rate of 8 per cent per annum.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

All parties to act on the server copy of this order duly downloaded from the official website of this Court, without insisting upon production of certified copy

thereof.

Urgent photostant certified copy of this order, if applied for, be given to the parties upon compliance of necessary formalities.

(Arindam Mukherjee, J.)