

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 15647 OF 2022

Sunita Singh

... Petitioner

vs.

State of Bank of India Bandra Kurla and ors

... Respondents

Mr.Domaan Jamshid Dalal for the Petitioner.

**CORAM : S.V. GANGAPURWALA, ACJ. &
S. G. CHAPALGAONKAR, J.**

DATED : 22 DECEMBER, 2022

P.C. :-

1. Heard learned advocate for the petitioner.
2. Learned advocate for the petitioner submits that the petitioner was legitimately on Sabbatical Leave for one year subsequently extended for further one year as the petitioner was undergoing IVF procss. Some complications have arisen as such the petitioner could not join duties after the Sabbatical Leave period was over. The petitioner in March, 2019 apprised the bank and its Authorities about the complications. The petitioner had to face as the same has not been considered by the respondents. The Appellate Authority has failed to consider the said aspect.
3. Learned advocate for petitioner submits that the action taken by the respondents is arbitrary and is not reasonable.

Learned advocate further submits that it is because of the circumstances beyond the control of petitioner, i.e. the petitioner had suffered complications during the IVF process and the petitioner could not join the service after the Sabbatical period was over. The said aspect ought to have been considered by the respondents.

4. The petitioner had received notice in December, 2018 and the second notice in December, 2019. Still the petitioner did not join. It would be case of abandonment of service on the part of the petitioner. The petitioner had not taken any reasonable view of the matter.

5. As far as deduction of amount from the account of the petitioner is concerned, factually nothing has been place before us to record as to how the petitioner is entitled for the same. If the petitioner is in position to demonstrate that the deduction of amount of Rs.5 Lakhs and odd is erroneous, the petitioner may take an appropriate steps in that regard.

6 Writ Petition is accordingly disposed of. No costs.

(S. G. CHAPALGAONKAR, J.)

(ACTING CHIEF JUSTICE.)