

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT,
JABALPUR

NO. CGIT/LC/C/2/2007

Present: P.K.Srivastava
H.J.S..(Retd)

Smt. Panna Mehta
W/o Shri N.K.Mehta
R/o 30,Devendran nagar,
Annapurna road,
Indore(M.P.)

Applicant

Versus

1.The State Bank of India
Indore City Branch,
Opp.Kanch. Mandir
Satha Bazar, Indore(M.P.)

Respondent

ORDER

(Passed on 26-7-2022)

1. This case has come up on the basis of an application Under Section 33-C(2) of the Industrial Disputes Act,1947, hereinafter referred to by the word 'Act' , filed by the applicant workman Smt. Panna Mehta wherein she has stated that she was appointed as Clerk-Cashier on 31-7-1980. She was placed under suspension on 16-11-1985. Her prosecution in Criminal Court resulted into her acquittal on 12-3-2001. She has claimed that full salary and allowances (including increments and salary revision benefits) accrued to her for the period under suspension till date of her dismissal on 1-7-2002 which is Rs.14,30,047.59/- out of which only she has been paid Rs.1,37,768.55/-. She is entitled to the difference amount of 12,92,279.04/- as per standing orders/judicial decision. She has filed photocopy of her representation dated 24-6-2000, 30-9-2002



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statement of suspension allowance for the period from 16-11-1985 to 1-7-2002, salary and allowance payable when under suspension all photocopies, has also been filed, copy of judgment of Hon'ble High Court of M.P., Bench Indore in W.P.No.108/2003, copy of order of Hon'ble High Court of Indore Bench in Contempt Petition No.57/2002.

2. The Management has filed a written reply to the petition wherein it has been stated that the applicant was placed under suspension on 16-12-1985 because an FIR was registered against her and vide memorandum dated 24-10-1985 a charge sheet with allegations of mis-conduct with charges that on 25-7-1985 she presented a letter dated 23-7-1985 purported to have been signed by Dr. Vijay Jain for transfer of proceeds of two T.D.Rs total amount Rs.2.5 lacks dollar in the name of Dr. Vijay Jain to the Bombay Main Branch for credit to the Saving Bank Account of Dr. Vijay Jain Account No.28938 which was bogus and made pre-mature payment of the T.D.Rs. She was dismissed after an inquiry vide order of management dated 20-6-1996 w.e.f. 11-4-1986, On account of her conviction by Trial Court in the criminal case arising out of the FIR registered for the charges above mentioned. The Appellate Court set aside the judgment and remanded back the case to the trial Court for examination of some witness. The Trial Court acquitted the applicant giving her the benefit of doubt vide its judgment dated 12-3-2001. She filed a writ petition No.607/2000 before Hon. High Court of M.P. which was disposed of vide order dated 20-3-2000 with certain directions. She was reinstated in compliance of the said order on 9-1-2000 in the same position which was prior to her conviction by Criminal Court but was kept under suspension and a departmental inquiry proceeded against her. She was dismissed after inquiry and appeal against the dismissal order was dismissed by Appellate Authority. She filed a contempt petition No.57/2002 which was dismissed by Hon. High Court. Then she filed another W.P.No.108/2003 challenging her order of dismissal dated 27-6-2002. Before Hon. High Court which was also dismissed on 7-4-2006.

Hence according to the Management she is not entitled to receive the amount claimed.

3. The case is pending since the year 2007 and I have gone through the records. The applicant is claiming arrears for the period of her suspension pending inquiry. After the inquiry the charges were found proved and she was awarded punishment of dismissal which was upheld by Hon. High Court. She could not refer any rule or precedence to show her entitlement to receive her salary in full during the period of her suspension and also pending inquiry which requires separate order in this respect by Disciplinary Authority. Hence holding that her claim to receive the amount alleged not pre-adjudicated by another Authority, she is held not entitled to the claimed amount. Her application stands dismissed accordingly.

4. On the basis of the above discussion, the application under Section 33-C(2) of the Industrial Disputes Act, 1947 is liable to be dismissed and is dismissed accordingly.

NO order as to costs.


(P.K.SRIVASTAVA)
PRESIDING OFFICER

Date:- 26/7/2021

