

Mukesh Kumar Singhal Vs. State Bank of India and ors.

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Court : Uttaranchal

Decided On : Apr-13-2004

Reported in : (2004)3UPLBEC131

Judge : Rajesh Tandon, J.

Acts : Indian Penal Code (IPC) - Sections 120B, 409, 420, 466, 467 and 471

Appeal No. : Writ Petition No. 337 of 2003 (S/S)

Appellant : Mukesh Kumar Singhal

Respondent : State Bank of India and ors.

Advocate for Def. : Ashish Joshi, learned Counsel

Advocate for Pet/Ap. : S.S. Yadav, learned Counsel

Judgement :

Rajesh Tandon, J.

1. Heard Mr. S.S. Yadav, learned Counsel for the petitioner and Mr. Ashish Joshi, learned Counsel for the respondents.

2. By means of the present writ petition the petitioner has challenged the suspension order dated 5.3.1997 passed by respondent No. 4.

3. Brief facts giving rise to the present writ petition are that the petitioner was working in State Bank of India, Laxman Jhula Road, Rishikesh, Dehradun and according to prosecution story he has committed a serious fraud by succeeding one Mr. Dharmendra Kumar for being fraud. The petitioner was called for explanation and he replied it on 31.7.1996. Thereafter, the petitioner was suspended on 5.3.1997 with an allegation that the petitioner was involved in the forgery case. The respondents appointed an Inquiry Officer on 8.10.2001 and the date of inquiry was fixed on 30.10.2001. The respondents also lodged an F.I.R. against the petitioner Under Sections 420, 409, 466, 467, 471, & 120B of I.P.C, Police Station Rishikesh, District Dchradun on 21.6.1996. The respondents also suspended two other employees on the same allegations.

4. After the creation of State of Uttaranchal, the case was transferred from Allahabad High Court to this Court. On 29.6.2002 this Court has passed an order whereby this Court has stayed the operation of the impugned suspension order dated 3.10.1996 passed by respondent No. 4 in the case of Bijendra Singh (one of the two suspended employees) in Writ Petition No. 743 of 2002 (S/B), Bijendra Singh v. State Bank of India.

5. Both the parties have submitted that the enquiry may be completed.

6. Mr. S.S. Yadav, learned Counsel for the petitioner apprehends that the entire documents and other papers concerning the enquiry will not be made available to him. Suffice to State that the apprehension is misconceived. The respondents shall supply the entire documents relating to the enquiry to the petitioner.

7. The respondents are directed to complete the enquiry within a period of four months from the date of production of certified copy of this order. The stay order dated 29.6.2002 passed by this Court shall remain in operation till the completion of enquiry or for a period of four months whichever is earlier.

8. Subject to the aforesaid observation, the writ petition is disposed of. No order as to costs.