

V. Subramaniam vs State Bank Of India, Staff Co-Operative ... on 24 August, 1983

Equivalent citations: 1983(2)SCALE339, 1984(SUPP)SCC427, AIRONLINE 1983 SC 17, AIRONLINE 2011 SC 317, (1984) 1 LAB LN 72, 1987 SCC (CRI) 625, 1987 SCC (SUPP) 85, 2013 (1) SCC 173

Bench: A. Varadarajan, D.A. Desai, O. Chinnappa Reddy

ORDER

1. The only point involved in this appeal is whether the respondent should be allowed some subsistence allowance for the period he was kept under suspension. Suspension allowance was refused on the ground that to grant the same is in the absolute discretion of the respondent Bank. It is well settled that ordering suspension of a workman by the employer is by way of enforcement of contract of service. We were therefore required to interpret the relevant rule and the degree of discretion of the employer in this behalf. However we think that this may await a better case, because the appellant is now dismissed from service. The question is of granting him some relief for the period roughly four years during which he was under suspension. Viewed from humanitarian aspect of the case, we direct that the respondent should pay Rs. 15,000/- by way of subsistence allowance upto and inclusive of the date 22.2.82 when the appellant is said to have been dismissed. The amount directed to be paid by this order is inclusive of costs of this appeal. The amount be paid within two months from today.

2. The Civil Appeal is disposed of accordingly. Order dated August 24, 1983 in Civil Appeal No 1095 of 1982.