

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3485 OF 2015

VIJAY DADASAHEB SADAPHAL
VERSUS
SHIRDI NAGAR PANCHAYAT, SHIRDI

.....
Advocate for petitioner : Mr. S. T. Shelke
Advocate for respondent sole : Mr. A. V. Hon
.....

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 4th AUGUST, 2015

P.C. :-

1. Mr. Shelke, the learned counsel for the petitioner submits that in the Departmental Enquiry, the petitioner is exonerated of all the charges and is subsequently reinstated. Even resolution is passed by the Standing Committee regularizing the suspension period and payment of entire salary during the said period. According to the learned counsel, the order is passed on 18.07.2013 by the Chief Officer of the respondent thereby regularizing the suspension period and sanctioning the entire salary payment of suspended period. According to the learned counsel, as yet, the payment of the same has not been made to the petitioner though the amount has been finalized by the Chief Officer, the Accountant and the President of the Shirdi Municipal Council. Even voucher was prepared but the payment has

not been yet paid. The learned counsel submits that the petitioner is entitled for an amount of Rs. 2,39,262/- with interest @ 18% p.a.

2. Mr. Hon, the learned counsel for the respondent submits that this amount, as stated by the petitioner, was arrived at, but thereafter, it is with the audit department and they are scanning the same after which, the petitioner would be paid the said amount.

3. There is no dispute that the suspension period of the petitioner is regularized vide order passed in July, 2013.

4. In light of that, the petitioner would be entitled for the payment of salary during the suspension period. Even the amount was worked out by the respondent and the same is said to be pending with the Audit Department. It is expected that the respondents make the payment of the amount due to the petitioner expeditiously. It is more than two years the suspension period has been regularized.

5. In light of that, we pass the following order :

O R D E R

- I. The respondent Muncipal Counsel shall pay the entire salary of the suspension period and the benefits thereon to the petitioner as admissible, within a period of three

months from today along with interest @ 9% p.a. from 01.08.2012 till the date of payment.

II. The writ petition is accordingly disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

aaa/