

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11732 OF 2014

NAROTTAM RAMDAS BIRHADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Shri Y.B.Bholkar h/f Shri A.B.Girase
AGP for Respondent 1 : Shri V.G.Shelke
Advocate for Respondents 2 & 3 : Shri Rakesh N. Jain

...
CORAM : RAVINDRA V. GHUGE, J.
Dated: January 07, 2015
...

PER COURT :-

1. Pursuant to the orders dated 23.12.2014 and 24.12.2014 passed by this Court, a corrigendum has been issued by the respondent - Panchayat Samiti indicating that the suspension of the petitioner, dated 17.12.2014, is pending disciplinary proceedings and falls under Rule 3(1A) of the Maharashtra Zilla Parishad District Services (Discipline and Appeal) Rules, 1904.

2. The learned Advocate for the petitioner, on instructions, submits that this petition could be disposed off by directing the concerned respondent to issue a charge sheet as expeditiously as possible and complete the disciplinary proceedings in accordance with law by keeping all contentions of the petitioner open including his grievance against the suspension order.

3. Shri Jain, learned Advocate appearing for respondent Nos.2 and 3 submits that the charge sheet would be served upon the petitioner within two weeks. He, further submits that the suspension allowance is payable to the petitioner at the rate of 50 per cent of his monthly salary for the first three months and thereafter, it would rise as provided by law.

4. In the light of the above, by keeping all contentions of the litigating parties open, including the grievance of the petitioner as against the suspension order dated 17.12.2014, this petition is disposed off with a direction to respondents 2 and 3 to ensure that the charge sheet is served upon the petitioner within two weeks from today and the disciplinary proceedings are conducted strictly in accordance with law and procedure within a period of three months thereafter.

5. The petitioner shall cooperate in the disciplinary proceedings. Nevertheless the respondents / employer shall follow the principles of natural justice while conducting the enquiry proceedings.

(RAVINDRA V. GHUGE, J.)

...