

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 5381/2015

(PITRUCHHAYA BAHU UDDDESHIYA SHIKSHAN SANSTHA, BHANDARA **VERSUS** ADDITIONAL
 COMMISSIONER, TRIBAL DEVELOPMENT DEPARTMENT, NAGPUR & OTHERS)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri A.M. Kadukar h/f Shri P.P. Thakare, counsel for the petitioner.
 Shri N.S. Rao, A.G.P. for the R-1 & 2.
 Shri Abhay Sambre, counsel for the R-3.

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATE : DECEMBER 22, 2015.

Heard.

After hearing the learned counsel for the parties, we find that the Project Officer, Integrated Tribal Development (Project), Bhamragarh was not justified in holding that the enquiry committee was wrongly constituted by the petitioner-Society and, hence, the respondent no.3 would be entitled to all emoluments in pursuance of the cancellation of the order of his suspension.

The writ petition is, therefore, disposed of with the consent of the learned counsel for the parties in the following terms.

- i) The order of the Project Officer, dated 21.07.2015 cancelling the constitution of the enquiry committee shall not be acted upon;
- ii) The petitioner-Society would send the salary bills of the respondent no.3 from the date of his suspension till date to the Project Officer for disbursement of the regular salary to the respondent no.3 except the amount that is paid to the respondent no.3 towards subsistence allowance.

- iii) The respondent no.3 shall make an application for voluntary retirement to the petitioner-Society within a period of fifteen days which shall be favourably considered by the petitioner-Society so that the respondent no.3 would voluntarily retire from the service at the earliest.
- iv) The respondent no.3 should handover the available record to the petitioner-Society within a period of one week.
- v) The respondent no.3 should be permitted to perform his duties at Shri Swami Samarth Anudanit Adiwasi Ashram Shala, Udera, Tahsil Etapalli, District Gadchiroli, till he stands voluntarily retired.
- vi) No costs.

Steno copy of the order is granted to the learned counsel for the respondent no.3, on request.

JUDGE

JUDGE

APTE