

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1751 OF 2016
AND
WRIT PETITION NO. 2900 OF 2013
(Shriram Limbaji Rathod Vs. The State of Maharashtra and others)

Mr. S.R. Sirsat, Advocate holding for Mr. S.S. Jadhavar,
Advocate for the petitioner in writ petition No.

1751/2016

Mr. Amol S. Gandhi, Advocate for the petitioner in writ
petition no. 2900/2013

Mrs. M.A. Deshpande, A.G.P. for the respondents/State in
both writ petitions

Mr. M.V. Ghatge, Advocate for respondent Nos. 2 and 3

CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.

DATE : 22nd JULY, 2016

PER COURT :

Heard.

2. Having gone through the papers on record and the submissions from both sides, it appears that the enquiry initiated against the petitioner by the respondent/Management has been completed and the enquiry report has been submitted to the Managing Committee. However, relying upon the said enquiry report, the Management has proceeded to place the petitioner under suspension by way of punishment.

3. The learned counsel appearing for respondent Nos. 2 and 3 fairly concedes that the employee cannot be placed under suspension by way of punishment. No such punishment is provided under the relevant Rules.

4. In the light of above, the impugned order to the extent of placing the petitioner under suspension for six months by way of punishment stands quashed and set aside. The respondent/Management is granted liberty to proceed from the stage of awarding the punishment. The Management shall complete the further stage as expeditiously as possible; however, within three weeks from today. Depending upon the outcome of said process of enquiry as regards awarding the punishment to the petitioner, based upon the enquiry report, the respondent/Management shall immediately consider the prayer of the petitioner in writ petition No. 2900/2013 for his promotion as clerk. The entire exercise shall be completed as expeditiously as possible; however, within eight weeks from today, including consideration of the prayer of the petitioner for promotion to the post of clerk. Needless to observe that the respondent/Management is obliged to pay/disburse the necessary

monetary benefits to the petitioner for the period during which he was placed under suspension, as admissible in accordance with the procedure/rules.

5. Both the writ petitions stand disposed of on above terms.

[SANGITRAO S. PATIL]
JUDGE

[S.S. SHINDE]
JUDGE

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