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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.6586/2015

Bhausahab Totaram Patil.

...Petitioner..

Versus

The State of Maharashtra & others.

...Respondents...

.....

Shri V.Y. Patil, Advocate for petitioner.

Shri M.B. Bharaswadkar, AGP for respondent nos.1 & 2.

Shri V.B. Patil, Advocate for respondent no.3.

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**CORAM: S.V. GANGAPURWALA &
K.L. WADANE, JJ.**

DATE: 05.10.2016

ORDER :

1] The petitioner was absent from 25.4.2009 to 18.5.2009 and 11.6.2009 to 15.5.2014. The said absence was unauthorized. Departmental enquiry was initiated against the petitioner. The charges were proved. The punishment was imposed upon the petitioner. Three increments were permanently stopped and the absence period is directed to be considered as leave and for the said period, the petitioner is not entitled for salary,

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gratuity, Bhatta etc. as per the order dated 15/16.5.2014. It is the grievance of the petitioner that in spite of the said punishment being imposed, the respondent no.3 was not allowing the petitioner to join the duties and as such the present petition is filed.

2] The petitioner claims directions against the respondents to reinstate the petitioner as per the letter dated 15/16.5.2014 and to pay all the consequential benefits so also to grant time scale promotion, bonus, increments etc. from the date of order of stoppage of three increments.

3] Learned counsel for the respondent no.3 states that subsequently, vide order dated 23.9.2016, the petitioner is reinstated. He has also submitted the fitness certificate and has joined the duties.

4] As far as the grievance of the petitioner with regard to the grant of time scale, promotion, bonus, increments as also payment of salary from 15/16.5.2014 is concerned, the petitioner may file a comprehensive application in that regard with the respondents. On receipt of such an application, the respondent no.3 - employer shall consider the same on its own merits and

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pass appropriate orders within a period of four months from the date of receipt of such an application.

5] Writ petition is accordingly disposed of. No costs.

(K.L. WADANE, J.)

(S.V. GANGAPURWALA, J.)