

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.613 OF 2017
(Raju Bhagwan Jadhav Vs. The State of Maharashtra and others)

Mr.S.M.Kamble, Advocate for the petitioner.
Mr.N.T.Bhagat, AGP for respondent Nos. 1 and 2.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 18/01/2017

PER COURT :

1. This matter was heard for some time. The petitioner is aggrieved by the order dated 07/12/2016 by which the petitioner has been placed under suspension.

2. Grievance is that the impugned order is punitive in nature without conducting an enquiry and without holding the petitioner guilty of any mis-conduct.

3. It is further submitted that the misconduct at issue has not occurred recently. The date of incident of the petitioner allegedly accepting bribe and being apprehended while doing so has occurred on 24/07/2014, though it is stated in the impugned order that it has occurred on 24/07/2015.

4. It is trite law that an employer can place an employee under suspension pending disciplinary proceedings. Such suspension can not be termed as being punitive in nature. The only legal obligation cast upon the employer is that the suspended employee has to be paid suspension/subsistence allowance strictly as per the rules.

5. In the light of the above, since the impugned order is pending disciplinary proceedings and the petitioner is held entitled for subsistence allowance subject to the condition that he will not leave the head quarters without prior permission and will not engage himself in alternate employment or business, I do not find that the same can be termed as being perverse or erroneous.

6. This petition, being devoid of merit, is therefore, dismissed.

(RAVINDRA V. GHUGE, J.)