

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6982 OF 2017

Shrimant Karbhari Munde .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Sambhaji G. Mundhe, Advocate for the Petitioner.
Shri M. B. Bharaswadkar, A.G.P. for Respondent Nos. 1 to 3.

**CORAM : ANOOP V. MOHTA AND
SUNIL K. KOTWAL, JJ.
DATE : 28TH JUNE, 2017.**

FINAL ORDER :

. On hearing learned counsel appearing for parties, we are inclined to dispose of present writ petition, as to show cause notice dated 23rd May, 2013 petitioner has already given reply dated 27.05.2016 and same is unattended till this date by the concerned respondent. Therefore, at this stage, by keeping all the points open, we are inclined to direct the concerned respondent to deal with the same at the earliest and preferably within a period of four (04) weeks from today.

02. The submission is that the judgment of this Court in Writ Petition No. 10639 of 2016 in similarly placed matter supports case of the petitioner, and therefore, the impugned communication need to be quashed and set aside. As we are

directing the respondents to deal with the reply given by petitioner, we are not inclined to accept the submissions, as ultimately the concerned respondent need to take into consideration the explanation before taking coercive action so mentioned and that was not intention reflected in show cause notice itself. Therefore, this order/direction to deal with the report/reply at the earliest.

03. Having issued show cause notice and asked for explanation, in our view, there is no question of withholding salary as stated to be done by respondents in the present case. The petitioner is without salary since May 2016. There was no even show cause notice given referring to withholding the salary. Such action of withholding salary, in our view is unacceptable. At this stage, we are inclined to order, the respondents to release the salary, if petitioner is otherwise entitled for the same, as he has actually worked on the post since 2010.

04. This in no way to say that, the respondents to pass order and take action, if case is made out in either way, in accordance with law.

05. Writ petition is accordingly disposed of. No costs.

[SUNIL K. KOTWAL, J.]

[ANOOP V. MOHTA, J.]