

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8515 OF 2017**

Vishnu R. Talpade

..Petitioner

Vs

The Commissioner, Bhiwandi Nizampur
City Municipal Corporation, Bhiwandi

..Respondent

Ms Anita Bhaktwani for the Petitioner.

Mr. N.R. Bubna for the Respondent.

**CORAM : SHANTANU S. KEMKAR &
M. S. SONAK, JJ.**

DATE : JULY 28, 2017.

P.C. :

. Not on board. In view of urgency, taken on production board.

2] The petitioner was working on the post of Ward Officer with the respondent Municipal Corporation. He was suspended from service and thereafter was served with a charge-sheet.

3] After holding departmental inquiry he was exonerated from the charges leveled against him vide order dated 10th June 2016 (Exhibit-H).

4] Thereafter, the matter was placed before the General Body of Corporation for taking appropriate decision. The General Body passed a Resolution on 16th March 2017 resolving that since the petitioner has been exonerated from the charges, his period of suspension be treated as in service and he be granted all the salary and allowances as per the rules.

5] It is not in dispute that the petitioner was already retired on 30th April 2016.

6] The grievance of the petitioner is that the Commissioner of the Corporation is not taking further action in the matter. Learned counsel appearing for the respondent - Corporation, on instructions, submits that the respondent - Commissioner will take appropriate decision, in accordance with law, taking into consideration the effect of the Resolution dated 16th March 2017.

7] In view of aforesaid, we dispose of this petition by directing the respondent - Commissioner to examine the Resolution dated 16th March 2017 and take appropriate decision on it, in accordance with law, as expeditiously as possible, preferably within three months from the date of receipt of copy of this order.

8] In case the Resolution dated 16th March 2017 is accepted the consequential monetary benefits be extended in favour of the petitioner within two months from the date of taking of the decision.

9] The petition stands disposed of.

(M. S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)