

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

WRIT PETITIOIN NO. 1610 OF 2018

Kantilal S/o Sahebrao Sonawane

..PETITIONER

VERSUS

The State of Maharashtra
and others.

..RESPONDENTS

.....

Smt. Ranjana D. Reddy, Advocate for petitioner.
Shri P.K. Lakhotiya, AGP for Respondent/State.

.....

**CORAM: S.S.SHINDE &
S.M.GAVHANE, JJ.**

Date : 09.02.2018

ORDER : (Per S.S.Shinde, J.):

By this Petition filed under Article 226 of the Constitution of India, the petitioner has prayed to quash and set aside the suspension order dated 8th January, 2018, thereby placing the petitioner under suspension, and also seeking directions to the Respondents to reinstate the petitioner on his original post.

2. Learned counsel appearing for the petitioner submits that, the petitioner is placed under suspension out of vengeance. The petitioner was not promoted as per seniority, therefore, he raised the voice and filed the complaint in Police Station for his demand as an employee. It is further submitted that, the action of the Respondents to place the petitioner under suspension is to cause harassment in retaliation to the genuine attempt of the petitioner to raise the grievance for the promotion and his other legitimate entitlements. There is no major misconduct on the part of the petitioner, hence there was no necessity of major punishment, and therefore, the impugned suspension order being unjustifiable and improper requires to be quashed and set aside.

3. We have heard learned counsel appearing for the petitioner at length.

Perused the pleadings in the Petition, grounds taken therein and annexures thereto.

4. The petitioner is placed under suspension and show-cause notice is issued to him. The petitioner will have an opportunity to reply the said notice. It would be too early to prejudge the issue and hold that, there was no major misconduct, since the enquiry is in progress.

5. For the reasons aforestated, we are not inclined to entertain this Petition. Hence, the Petition stands rejected.

However, we make it clear that, the Respondents shall ensure that, the petitioner receives subsistence allowance, as permissible under the Rules.

[S.M.GAVHANE]
JUDGE

[S.S.SHINDE]
JUDGE