

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4352 OF 2017

Ashok Sayajirao Golhar

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Kishor D. Khade, Advocate for Petitioner.

Mrs. M. A. Deshpande, Addl. G. P. for Respondent Nos. 1 and 2.

Shri Kiran B. Jadhavar, Advocate for Respondent No. 3.

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATE : 20th March, 2018

PER COURT :

1. The petitioner assails the suspension order and seeks arrears of salary. The petitioner was suspended on 8th March, 2017, under orders of the Director of Education. Subsequently, under Government Resolution dated 29th September, 2017, the suspension order was cancelled. The petitioner was reinstated on 19.10.2017 and subsequently retired on 31.12.2017.

2. In view of the Government Resolution dated 29th

September, 2017, the suspension is deemed to have been construed as cancelled. In view of that, the petitioner's period under suspension will have to be considered as a service period.

3. The institution shall submit the proposal for payment of the salary to the petitioner for the period the petitioner was under suspension. The same shall be done within a period of six (6) weeks. On receipt of the salary bills the same shall be processed by the Education Officer within a period of six (6) weeks from the date of receipt of the proposal. The criminal case is still pending, as such, during the pendency of the criminal case the petitioner may at the most be entitled for provisional pension. The management shall forward the proposal for provisional pension expeditiously.

4. The writ petition accordingly stands disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

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