

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

**986 CONT. PETITION NO. 280 OF 2017
IN WP/6299/2016**

BANDU DHRUPATRAO DHAKNE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Ramesh I. Wakade, Advocate for the Petitioner.

Mr. A. A. Jagatkar, AGP for Respondent-State.

Mr. Vivek J. Dande and Mr. D. A. karnik, Advocates
for the Respondent Nos.4 and 5.

...

**CORAM : S. V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.**

DATED : 15th JUNE, 2018.

PER COURT:-

1. Mr. Wakade, learned counsel for the petitioner submits that subsistence allowance for a period of four months has not been paid.

2. Mr. Dande, learned counsel for the respondents accepted the said fact and states that the subsistence allowance for a period of four months would be paid within a period of four weeks from today. The statement is accepted.

3. Mr. Wakade, learned counsel for the petitioner further submits that the subsistence

(2)

allowance after four months ought to have been paid at the rate of 75% of the salary.

4. The order of this Court only directed the payment of subsistence allowance as per Rules. The order is not passed by this Court specifying the exact quantum at which the subsistence allowance shall be paid. Rule 34 of the MEPS Rule does not lay down that after lapse of four months, the subsistence allowance has to be paid on a particular rate. It is depending upon the circumstances, as to who has prolonged the enquiry and other events.

5. The petitioner may take up proper proceedings before the appropriate forum with regard to his grievance about enhance subsistence allowance.

6. In view of that, contempt petition stands disposed of. No costs.

(SUNIL K. KOTWAL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE