

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9456 OF 2018

Chandrakant S/o Tulshiram Jadhav

...Petitioner

Versus

The Election Commissioner of India
Through its Secretary and Os.

...Respondents

Mr. D.B. Thoke, Advocate for Petitioner
Mr. Alok Sharma, Advocate for Respondent No. 1
Mr. A.B. Kadethankar, ASG for Respondent No. 6
Mrs. A.V. Gondhalekar, Additional Government Pleader for
Respondent Nos. 2, to 5, 7, 9 and 10
Mr. N.N. Desale, Advocate for Respondent No. 8
Respondent Nos. 11 to 14, 16 served
Respondent No. 15 served

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

DATE : 7th MARCH, 2019

ORAL ORDER:

1. The petitioner challenges the suspension order.
2. Mr. Thoke, the learned Counsel for the petitioner submits that only on the ground that criminal case was filed against the petitioner, the order of suspension is issued. The suspension is vindictive. Without any notice or hearing, the order of suspension has been issued. The Tahsildar has no legal right to file the complaint.

3. Mr. Desale, the learned Counsel for the respondent No. 8 submits that the departmental enquiry has been initiated against the petitioner and the charge sheet is also issued.

4. The suspension is not punitive in nature. The same is pending departmental enquiry so as to conduct the enquiry in a fair manner.

5. All conditions being satisfied, the petitioner would be entitled for the subsistence allowance. As the charge sheet is already issued, the respondents shall conclude the departmental enquiry expeditiously.

6. If the departmental enquiry is not completed within a reasonable time, liberty to the petitioner to raise challenge to the suspension or avail alternate remedy available in law.

7. The Writ Petition is disposed of. No costs.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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