

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11097 OF 2018

Rajendra S/o Kisanrao Shinde

...Petitioner

Versus

The Principal Secretary,
Department of Agricultural & Horticulture,
Mantralaya, Mumbai and Ors.

...Respondents

Mr. V.B. Wagh, Advocate for Petitioner

Mr. S.K. Tambe, Assistant Government Pleader for
Respondents/State

Mr. P.L. Shahane and Mr. P.P. Shahane, Advocates for Respondent
Nos. 2 and 3

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

DATE : 26th MARCH, 2019

ORAL ORDER:

1. We have heard the learned Counsel Mr. Wagh for the petitioner and Mr. Shahane, the learned Counsel for the respondent Nos. 2 and 3.

2. It is submitted that the petitioner has filed reply to the enquiry report on 07.05.2018. The learned Counsel for the respondent submits that the decision was not taken as another charge sheet was also issued to the petitioner. However, there would be no impediment to take decision pursuant to the enquiry report

dated 27.12.2016. The respondent shall take decision pursuant to the enquiry report dated 27.12.2016 as contended by the petitioner within a period of three months.

3. It is further submitted that petitioner has been sanctioned provisional pension on 18th January, 2019. If the petitioner was under suspension till he attains the age of superannuation, the petitioner would be entitled for subsistence allowance for the said period. In case the same is not paid, it shall be paid to the petitioner.

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

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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