

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

WRIT PETITION NO.468 OF 2018

Shri Chakradhar Shikshan & Samaj
Prabodhan Mandal, Beed and others

Petitioners

Versus

Smt. Anuradha w/o Raosaheb Gajare & another

Respondents

Mr. Prasad Jarare h/f Mr. S.S. Thombre advocate for the petitioner
Mr. R.I. Wakade advocate for Respondent No.1

WRIT PETITION NO.13650 OF 2018

Smt. Anuradha w/o Raosaheb Gajare

Petitioner

Versus

Shri Chakradhar Shikshan & Samaj
Prabodhan Mandal, Beed and others

Respondents.

Mr. R.I. Wakade advocate for petitioner
Mr. Prasad Jarare h/f Mr. S.S. Thombre advocate for the respondent.

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CORAM : RAVINDRA V. GHUGE, JUDGE

(Date : 1ST MARCH, 2019)

PER COURT :-

1 These matters were heard substantially on 27.2.2019 and posted today for orders. It was made clear that, as the Management had published a public notice, regarding the inquiry to be conducted and despite the public notice having been published in a news paper, the delinquent had abstained

from the inquiry that, I expressed a view that, she cannot take advantage of her own wrong and claim subsistence allowance despite having boycotted the inquiry.

2 In the above backdrop, the delinquent employee has filed an affidavit undertaking, wherein, the present address of the employee and her two cell numbers have been mentioned. The e-mail-id of her husband has also been mentioned for communication. It is assured that, she would cooperate in the enquiry, in accordance with Rules 36 and 37 of the MEPS Rules, 1981. The affidavit undertaking is from page No.301 to 303 and the short affidavit in reply is at page No.304 to 306.

3 In the second petition, which is filed by the employee, she has prayed for suspension allowance, as a per-condition for participating in the enquiry. Said petition is filed on 1.12.2018.

4 Though I find that there are factors, indicating that the employee had boycotted the enquiry earlier and she, therefore, is not entitled for suspension allowance, for the period when that enquiry was conducted, in view of the said enquiry having been set aside by the School Tribunal, I am inclined to grant suspension allowance from 1.12.2018.

5 In view of above, both petitions are disposed off with the following directions:-

- a) The petitioner-Management shall comply with the provisions of Rules 36 and 37 of the MEPS Rules, scrupulously.
- b) The employee shall inform the name of her representative to the Member of the enquiry committee strictly as per Rules.
- c) The Management shall enter into correspondence with the employee, in compliance with Rule 36, on her address as well as the e-mail id of her husband.
- d) After the enquiry commences, the enquiry committee shall decide the next date of enquiry in every proceedings, which is being conducted on a particular date so that the participating parties to the enquiry would be aware about the next date and time of the enquiry.
- e) Though the enquiry is to be concluded within a particular time frame, under the Rules, it is made clear that the enquiry committee would not show undue haste in concluding the enquiry merely to maintain the deadline prescribed.
- f) The Management shall forward proposal for payment of subsistence allowance to be paid to the employee from 1.12.2018 and the education officer

shall ensure that the subsistence allowance, on month to month basis, is approved, as per the Rules.

6 In the event, the employee has any difficulty or a grievance, with regard to the payment of suspension allowance, she will be at liberty to file a Civil Application in the disposed off writ petition, for seeking orders from this Court. In so far as the claim for suspension allowance from the date of the earlier termination (which now stands set aside), till 30.11.2018 is concerned, it would be a subject matter of further litigation, if any and employee would be at liberty to put forth such a claim before an appropriate Court.

**(RAVINDRA V. GHUGE),
JUDGE**