

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

1023 WRIT PETITION NO.13652 OF 2019

KRISHNA MOHANRAO RATHOD
VERSUS
THE CHIEF EXECUTIVE OFFICER ZILLA PARISHAD
AURANGABAD AND ANOTHER

...

Advocate for Petitioner : Mr. Karnik D.A.
Mr. PS Patil, AGP for Respondents-State;
Mr. S.B. Ghute For R/1 And 2

**CORAM : S.V.GANGAPURWALA &
AVINASH G.GHAROTE, JJ.**

DATED : 29th November, 2019.

PER COURT:-

1. Mr. Karnik learned Advocate submits that suspension of the petitioner is illegal. Only on the ground that criminal case is filed the petitioner cannot be suspended. The petitioner was also not in custody. The reason assigned in the suspension order is also erroneous.

2. Mr. Ghute, learned counsel appearing for the respondents, submits that the respondent have contemplated an enquiry against the petitioner and within two weeks, Enquiry Officer would be appointed and within six months the enquiry would be completed.

(2)

3. In view of that, it appears that the suspension of the petitioner is in contemplation of the enquiry.

4. Mr.Karnik, learned counsel submits that the petitioner is not paid salary from 6th May, 2019.

5. From the date of suspension, the petitioner would be entitled for subsistence allowance, which the respondent will have to pay to the petitioner. Prior to the date of the suspension, if any salary is unpaid to the petitioner, the respondents shall pay the same to the petitioner. The respondents shall abide by the statement made about the enquiry to be completed within six months.

6. With these observations, the writ petition stands disposed of.

(AVINASH G.GHAROTE,J.)

(S.V.GANGAPURWALA,J.)

BDV