

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7477 of 2019**

Shri Prakash Krishna Shambharkar	Petitioner
versus	
The Chairman/Disciplinary Authority, Air Ports Authority of India, New Delhi	Respondent

Mr. Bhushan A. Bandiwadkar, advocate for the petitioner.
Mr. S. K. Talsania along with Mr. B. K. Ashok i/b. Bekay Legal, advocates
for the respondent.

**CORAM : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.**

DATE : 12th JULY, 2019.

P. C. :

The petitioner working as Joint General Manager (ATC) at Mumbai was placed under suspension by an order dated 14th March, 2018 and this prompted him to file the present petition challenging the said suspension.

2. During the pendency of this petition, by an order dated 19th June, 2019, passed by the General Manager (HR), Airport Authority of India, the petitioner is directed to be reinstated from the date on which he formally joins the duty. In light of the said subsequent development, we have considered the prayers of the petitioner to revise the subsistence allowance in terms of Rule 24 of the Airport Authority of India Employees (Conduct, Discipline and Appeal) Regulations 2003 and he specifically placed reliance on Sub-Rule (2) of Rule 24.

3. As regards the interpretation of the said order, Mr. Talsania, learned senior counsel submitted that the Sub-Rule (1) of Rule 24 contemplates a subsistence allowance equal to 50 percent of the basic pay during the period of suspension and Sub-Rule (2), is in case of contingency where the period of suspension exceeds 3 months and the authority who has placed the employee under suspension is then competent to vary the amount of subsistence allowance either by hiking it by 25% or reducing it by 25% in the contingency in existence and specified in sub-clauses(i) and (ii) of Sub-Rule (2) of Rule 24.

4. In any contingency, since the petitioner is now reinstated and the inquiry officer has submitted his report but the final action on the said inquiry report by the disciplinary authority is awaited, the disciplinary authority, in any case, would take a final decision in terms of Rule 25 of Regulations of 2003 on culmination of the inquiry proceedings. In such circumstances, the writ petition do not survive and is disposed off.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]