

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 586 OF 2018

Ravi Gangaram GavalPetitioner

Versus

The State of Maharashtra and ors.Respondents

Mr. Sathis Talekar, a/w Ms. Madhavi Ayyappan, I/b Talekar
and Associates, for the Petitioner.

Mr. P. G. Sawant, AGP for Respondent no.1.

Mr. Nishigandh N. Patil, for Respondent no.2.

CORAM: B. R. GAVAI &
N. J. JAMADAR, JJ

DATED: 21st January, 2019

PC:-

1. Mr. Talekar, the learned Counsel for the Petitioner submits that by the order dated 18th December, 2017, the Petitioner was suspended only on the ground that the Petitioner had made complaints against one Parmeshwar Jakikore, who was the Managing Director of Respondent no.2 – Corporation. He submits that the said Jakikore is already repatriated to the State Government. It is, therefore, submitted that the impugned suspension order is not tenable in law. No doubt the order dated 18th December, 2017 refers only to the complaints made by the Petitioner against the Managing Director of Respondent no.2. However, perusal of

the material placed on record would reveal that, serious charges are levelled against the Petitioner and the departmental proceedings on the basis of the said charges is proceeding further. In that view of the matter, we are not inclined to interfere with the suspension.

2. It is settled law that suspension during pendency of enquiry is a right of an employer. Taking into consideration peculiar facts of the case, the Respondents are directed to conclude the departmental proceeding preferably within a period of six months from today. Needless to state that the Petitioner shall be paid subsistence allowances in accordance with rules and regulations. Petition stands disposed off.

[N. J. JAMADAR, J.]

[B. R. GAVAI, J.]