

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.5638 of 2017

Mangesh Sureshrao Khode

vs.

The Joint Director of Education, Amravati Division & others

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*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

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Court's or Judge's Orders

*Shri P.R. Agrawal, Advocate for the Petitioner.
Shri H.R. Dhumale, A.G.P. for Respondent No.1.
Shri M.M. Agnihotri, Advocate for Respondent No.3.*

CORAM : R.K. DESHPANDE & S.M. MODAK, JJ.

DATE : 27th MARCH, 2019.

The petitioner claims declaration that withholding of the salary of the petitioner by respondent No.1 is arbitrary and illegal and, therefore, seeks directions to the respondent to release the salary of the petitioner on the post of peon from the month of August, 2016 onwards.

We have heard the learned Counsels appearing for the parties. There is a serious dispute over the conduct of the petitioner and the Management is desirous to proceed departmentally against the petitioner.

We, therefore, grant liberty to the Management to proceed against the petitioner with disciplinary action. The question of entitlement of the petitioner to the salary from the month of August, 2016 shall depend upon the outcome of such an inquiry. Inquiry shall be completed expeditiously as

per the Rules and if the petitioner is found to be non-cooperative during inquiry, the Management shall proceed to take further departmental action. In view of this, the question of payment/deposit of Rs.1,50,000/- as per the earlier order does not arise.

The writ petition stands disposed of.

In view of disposal of the writ petition, Civil Application [CAW] Nos.1970 and 1971 of 2018 stand disposed of.

**sandesh*

JUDGE

JUDGE