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

903 CIVIL APPLICATION NO.4839 OF 2021
IN WP/1699/2019

ANJUMAN ISHAAT-E-TALEEM TRUST, AURANGABAD,
THROUGH SECRETARY

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr S. S. Kazi, Advocate for applicant;

Mr S. B. Yawalkar, A.G.P. for respondent Nos.1 & 2;

Mr A. B. Deshpande, Advocate for respondent No.3

CORAM : RAVINDRA V. GHUGE, J

DATE : 26th November, 2021

PER COURT:

1. It is undisputed that the employee has been dismissed from service on 10/03/2020. Suspension allowance under the order of this Court has been paid to the petitioner for the period February 2013 to August 2019. 7th Pay Commission recommendations are effective from 01/01/2016.

2. The learned Advocate Shri Kazi appearing for the Management, frankly submits that he is not aware as to when the 7th Pay Commission has become available and from which date the employee would be entitled for the suspension allowance to be calculated in accordance with the said Pay Commission.

(2)

3. Considering the above, this civil application is filed on assumptions and presumptions. Without assessing as to whether the 6th Pay Commission would continue to apply notwithstanding introduction of 7th Pay Commission and despite admitting that the employee has not been paid suspension allowance from September 2019 till 10/03/2020, this application is fallacious and misconceived.

4. As such, this application is dismissed by imposing costs of Rs.20,000/- (Rs. Twenty Thousand) upon the applicant, which shall be deposited in this Court, on or before 20/12/2021.

5. Registry to report compliance.

(RAVINDRA V. GHUGE, J.)

sjk