

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

**WRIT PETITION NO. 7962 OF 2021**

Vaibhav Maharudra Amale .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Mr. Vivek J. Dhage, Advocate for the Petitioner.

Mr. S. K. Tambe, AGP for Respondent No. 1.

Mr. P. P. Kothari, Advocate for Respondent No. 2.

**CORAM : S. V. GANGAPURWALA &  
R. N. LADDHA, JJ.**

**DATED : 24<sup>th</sup> November, 2021.**

**PER COURT:-**

. At the request of learned counsel for the petitioner leave to add Divisional Commissioner as a party respondent is granted.

2. The learned A.G.P. waives notice for added party.

3. The petitioner is challenging the order of suspension and non payment of subsistence allowance at a rate of 75% after lapse of three months of suspension till the suspension order dated 19.05.2018 is revoked.

4. The learned counsel for the respondents submits that the proposal is already submitted by the respondents to the Divisional

Commissioner for review of suspension on 01.11.2021. It is for the Divisional Commissioner to take decision upon it.

5. The Divisional Commissioner shall take decision upon the proposal submitted by the respondents for review of the suspension preferably within a period of three (03) months from today.

6. As far as payment of subsistence allowance is concerned, the respondents have continued the payment of subsistence allowance at a rate of 50%. According to the petitioner, the same ought to have been at a rate of 75%. The suspension is prolonged for the reasons not attributable to the petitioner.

7. According to the learned counsel for the respondents, the respondents have taken a conscious decision to continue subsistence allowance at a rate of 50% in view of conduct of the petitioner. According to the petitioner, the petitioner was always present at the Headquarter on time.

8. The respondents, it appears that have not given proper reasons while not enhancing the subsistence allowance after lapse of three months from the date of suspension. The respondents have not come to the conclusion that the suspension is prolonged for the reasons attributable to the petitioner. The same is also a relevant consideration.

9. In the light of that, the respondents shall reconsider the decision for payment of subsistence allowance to the petitioner in tune with rule 68 (1) (a) (i) of the Maharashtra Civil Services (Joining Time, Foreign Service and Payments during Suspension, Dismissal and Removal) Rules, 1981. The said decision shall be taken preferably within a period of three (03) months from today.

10. With the aforesaid observations and directions, writ petition is disposed of. No costs.

**( R. N. LADDHA )**  
**JUDGE**

**( S. V. GANGAPURWALA )**  
**JUDGE**

PS.B.