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

924 WRIT PETITION NO.6258 OF 2020

SURYAKANT NAMDEV TARU
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr B. B. Shinde, Advocate for petitioner;
Mr S. G. Sangle, A.G.P. for respondent Nos.1 & 2;
Mrs Yogita S. Thorat-Kshirsagar, Advocate for respondent No.3;
Mr M. B. Sandanshiv, Advocate for respondent No.4;
Mr D. R. Korade, Advocate for respondent No.5

**CORAM : RAVINDRA V. GHUGE
AND
S. G. MEHARE, JJ.**

DATE : 10th August, 2021

PER COURT:

1. This Court (Coram : S. V. Gangapurwala and Shrikant D. Kulkarni, JJ.) had issued notice on 14/09/2020 and had observed as under :

“The petition would be implemented only to the extent of the grievance of the petitioner regarding non-payment of salary” (the word ‘implemented’ can be read as ‘entertained’).

2. The learned Advocates representing respondent Nos.4 and 5, the employer and the school of the petitioner, submit that the petitioner has been placed under suspension pending enquiry and he has suppressed this fact from this Court and has attempted to mislead this Court.

(2)

3. We, therefore, called upon the learned Advocate to show us the order of suspension, issued and served upon the petitioner. The learned Advocate referred to page No.73 and then corrected himself by saying that this is a communication to the Education Officer (Primary), Zilla Parishad, Nanded, dated 24/01/2020, seeking permission to suspend the petitioner.

4. The Management is unable to point out the purported suspension order issued by the Management and served upon the petitioner. This would indicate that the petitioner has not been placed under suspension pending departmental enquiry.

5. The learned Advocate for the Management points out a communication dated 02/01/2021, which is purportedly issued by the Chairman of the Education Society, addressed to the petitioner. The said communication is not an order of suspension and is purely a notice directing the petitioner to appear before the Enquiry Committee.

6. The learned Advocate for the petitioner submits on instructions, that the petitioner has never received an order of suspension.

(3)

7. In view of the above, this petition is partly allowed. Since the stand of the Management is that the petitioner was placed under suspension and, therefore, he is not entitled for wages and as no suspension order is placed before us, we direct respondent Nos.4 and 5 to immediately forward the pay-bills of the petitioner from the date he has been denied the payment of his salary i.e. July 2019, to respondent No.3, who shall process the said papers and ensure that the petitioner is paid the arrears of the salary and regular monthly salary, within six weeks from today.

8. Needless to state, as the permission granted by the Education Officer to the Management to suspend the petitioner on 14/03/2020 has not been utilized by the Management, the said permission is, therefore, rendered in-operable.

9. We make it clear that we have not expressed any opinion as regards the enquiry initiated against the petitioner. All his contentions with regard to the said enquiry are kept open and it would be in his interest to participate in the enquiry.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

sjk