

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

Writ Petition No. 1958/2019

Shri Ganesh s/o Ramchandra Wadte
..VS..

The Commissioner, Handicap Welfare, Maharashtra State, Pune and ors.
Office Notes, Office Memoranda of Court's or Judge's Order
Coram, appearances, Court's Orders
or directions and Registrar's order

Shri G.G. Bade, Advocate for the petitioner
Shri S.A. Ashirgade, AGP for the respondent nos. 1 and 2/State

CORAM : DIPANKAR DATTA, C.J. and
A. S. CHANDURKAR, J.

DATED : 26/07/2021

PC.

1. The petitioner is an employee of the respondent no. 4. He was detained in police custody in connection with an alleged crime in excess of 48 hours leading to deemed suspension from service. However, the grievance of the petitioner is that he has not been paid subsistence allowance since such suspension.

2. Pursuant to an order dated 28th September, 2018 passed on Writ Petition No. 1824/2017, being an earlier round of litigation initiated by him, the petitioner has submitted a representation dated 23rd October, 2018 before the respondent no. 3, i.e., the Social Welfare Officer, Zilla Parishad, Yavatmal seeking his intervention for revocation of the order of suspension as well as for grant of subsistence allowance with effect from 27th

September, 2016 together with interest @ 12% per annum. The respondent no.3 by his letter dated 26th November, 2019 forwarded such representation of the petitioner to the respondent no. 4. It is the petitioner's grievance that despite lapse of 18 months since the representation of the petitioner was forwarded to the respondent no. 4, no action has been taken thereon.

3. Office Note reveals that the respondent no. 4 has been duly served. However, none appears on its behalf.

4. We are of the considered opinion that having regard to the nature of grievance raised by the petitioner and considering the alleged inaction of the respondent no. 4 to decide the petitioner's representation in terms of the request made by the respondent no. 3, which has not been opposed before us by the respondent no.4, no useful purpose would be served in keeping the Writ Petition pending and inviting the respondent no. 4 to file a reply-affidavit. Interest of justice, in our further considered opinion, would be sufficiently served if the respondent no. 4 is directed to consider the representation in accordance with law and to pass an appropriate reasoned order within a period of four weeks from date of receipt of a copy of this order. It is ordered accordingly.

5. In the event, the respondent no. 4 perceives that continuing the petitioner under suspension is necessary till the proceedings before the Criminal Court

are terminated in accordance with law, the respondent no. 4 shall be under an obligation to take an appropriate decision on continuation of payment of subsistence allowance and periodical revision thereof, if required by law, till such time the order of suspension is revoked.

6. With the aforesaid directions, the Writ Petition is disposed of. No costs.

JUDGE

CHIEF JUSTICE