

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

WRIT PETITION NO.8426 /2018

Akash Madhukar Shelke
Aged about 40 years, Occ.: Service,
R/o Satara Filed, Mamaji Talkies Road,
Bhusawal, District Jalgaon,
(Present address, 46, Samarth Nagar,
Gajanan Colony, Khamgaon,
District Buldhana)

..... PETITIONER

// VERSUS //

1. State of Maharashtra
Through it's Additional Chief Secretary,
Tribal Development Department,
Madam Kama Marg,
Hutama Rajguru Chowk,
Mantralaya Mumbai – 400031.
2. Commissioner, Tribal Development,
Maharashtra State
Adivasi Vikas Bhawan,
1st Floor, Gadkari Chowk,
Old Agra Road, Nasik.
3. Additional Commissioner
Integrated Tribal Development Project,
Police Headqauter, Infront of T. B.
Hospital, Amravati.
4. Project Officer
Integrated Tribal Development Project,
Akola, Maheshwari Bhawan,
New Radhakishan Plot, Opposite Agrasen
Bhawan, Mahsul Bhawan, Akola.
5. Project Officer
Integrated Tribal Development Project,
Amravati
Dharni, District Amravati.,

6. Panchsheel Aided Adiwasi Ashramshala,
Bahiram Karanja, Tq. Chandurbazar,
Dist. Amravati through its Secretary
Bajirao Rajaram Gawai.

.... RESPONDENTS

Shri A. M. Sudame, Advocate for petitioner
Shri D. P. Thakare, Addl. G. P. for the respondent nos.1 to 5.
Ms. S. Taksande, Advocate for respondent no.6.

**CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.**

DATED : 06/01/2021

ORAL JUDGMENT : (PER:- SUNIL B. SHUKRE, J.)

- 1] Heard. **Rule.** Rule made returnable forthwith.
- 2] Heard finally by consent of the learned counsel appearing for the parties.
- 3] The petitioner is aggrieved by the fact that although his suspension for his alleged involvement on account of negligence in the incident of sexual harassment of inmates of his earlier school has been withdrawn and he has been directed to be reinstated in service, at the time of his absorption in another school, his absence during period of suspension was not regularized. There is also an issue raised about payment of salary to the petitioner.
- 4] So far as, payment of salary is concerned, respondent no.6,

the headmaster of respondent no.5, has filed an affidavit today disclosing that pay bill of the petitioner for the period from 05.11.2016 to 05.04.2018 has been prepared and sent to the office of Project Officer, Dharni for payment thereof to the petitioner. So, payment of arrears of salary is no longer an issue which can be agitated by the petitioner.

5] As regards the regularization of the absence of petitioner during the suspension period, we find from the order dated 01.08.2018, whereby the petitioner has been directed to be absorbed in another school, that the suspension of the petitioner has been withdrawn and the petitioner has been reinstated back in his service by Additional Director, Triable Development Department, Amravati. These facts are categorically mentioned in the said order. If this is so, we are of the opinion that withdrawal of the suspension has led to accrual of all usual benefits to the petitioner including retention of his seniority and continuity in service, as per rules. Grievance of the petitioner in this regard, in our view, now stands satisfied by the specific facts mentioned in the order dated 01.08.2018.

6] In the result, we find that the prayer clause (i) of this petition has worked itself out and there is no need to pass any further order. The petition is disposed of accordingly.

Warrant is discharged.

Rule accordingly. No costs.

JUDGE

JUDGE

Sarkate.