

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

23 WRIT PETITION NO.1969 OF 2022

MAHARASHTRA GRAMIN BANK THR. ITS CHAIRMAN
VERSUS
SOPAN BALAJI KASBE

...
Advocate for Petitioner : Shri Parag P. Shahane
Advocate for Respondent : Shri Pratap G. Rodge
...

CORAM : M.G.SEWLIKAR, J.

DATE : 1st August, 2022

PER COURT:-

1. Heard.
2. Respondent was working as a Branch Manager in Maharashtra Gramin Bank at Moha. He superannuated on 31st January, 2017. At the time of his retirement, disciplinary enquiry was pending against him. He was allowed to superannuate subject to the decision in the disciplinary enquiry. Disciplinary enquiry was concluded and punishment of reduction in salary to Rs.23,700/- was imposed on him. This order was passed on 5th September, 2019.
3. When the enquiry was pending, respondent had preferred

application before the Controlling Authority for getting the amount of gratuity. This application came to be decided during the pendency of the enquiry. Petitioner preferred an appeal against the said order, which was decided after the conclusion of the enquiry. Shri P.P.Shahane, learned counsel for the petitioner submits that the gratuity ought to have been paid on the reduced amount of salary. This fact, though brought to the notice of the Appellate Authority, was not considered by the Appellate Authority.

4. Shri Shahane, learned counsel for the petitioner submits that it will be in the fitness of things if the application is remanded to the Controlling Authority. Learned counsel for the respondent has no objection for the same. Both of them submitted that application may be remanded to the Controlling Authority for deciding the claim afresh.

5. In view of this, following order is passed:

ORDER

(i) Impugned Orders passed by the Controlling Authority and the Appellate Authority are hereby set aside.

(ii) Application No. ALCN/48(04)/2018-PGA is remanded to Controlling Authority for deciding the matter afresh considering the changed circumstances on account of reduction in salary. Controlling Authority shall permit both the parties to lead evidence in this respect and decide the application within three months from the date of receipt of the writ.

(iii) With these directions, petition is disposed of.

(M.G.SEWLIKAR)
JUDGE

SPT