

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 WRIT PETITION NO.8566 OF 2022

SUDHAKAR UTTAMRAO KINGRE
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND ANOTHER

...
Advocate for Petitioner : Mr. D.A.Karnik h/f Mr. V. J. Dhage
AGP for Respondent No.1-State : Mr. A. R. Kale
Advocate for Respondent No.2 : Mr. S. S. Bora
...

**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 25th August, 2022

PER COURT :

1. The petitioner has put forth prayer Clauses 'B' and 'C' as under :-

(B) By issuing Writ of Certiorari or orders or any other Writ in the nature of Writ of Certiorari, the impugned order of suspension dated 12.05.2022, issued by Commissioner, Parbhani Municipal Corporation, Parbhani, may kindly be quashed and set aside.

(C) By issuing Writ of Mandamus or orders or any other Writ in the nature of Writ of Mandamus, respondents may kindly be directed to give suspension allowances to the petitioner from 12.05.2022.

2. The learned Advocate representing the Municipal Corporation, Parbhani, Mr. S. S. Bora, has placed on record a communication dated 25/08/2022, addressed by the Additional Commissioner of Municipal Corporation to the Manager of the State Bank of India, Stadium Branch, Parbhani, indicating that the suspension allowance of the petitioner, till today, is being deposited by RTGS in his salary bank account. The same is marked as 'X-1' for identification.

3. The learned Advocate for Corporation further submits that the petitioner has been suspended on account of certain disciplinary issues. He, however, candidly states on instructions that a chargesheet- cum-show cause notice is yet to be issued to the petitioner.

4. It is well settled that an employer has the jurisdiction to suspend an employee pending disciplinary action. The obligation cast on the employer is to pay suspension allowance during this period. However, per contra, an employer cannot keep an employee under suspension pending disciplinary action for months together without initiating any action. The learned Advocate for the

Corporation submits that within a short time, a decision would be taken by the appropriate authority.

5. In view of the above, this petition is disposed off. The Corporation would take a decision with regard to whether a disciplinary action should be initiated against the petitioner, within 45 days from today. Needless to state, that all contentions of the petitioner are kept open with regard to this aspect.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

vjg/-.