

(1)

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

28 WRIT PETITION NO.1396 OF 2021

SHYAM ARJUNRAO KOLI
VERSUS
THE CHIEF OFFICER AND OTHERS

....

Mr Sachin S. Deshmukh, Advocate for petitioner;
Mr M. B. Kolpe, Advocate h/f Mr V. B. Deshmukh, Advocate for
respondent Nos.1 & 2
Ms R. P. Gaur, A.G.P. for respondent Nos.3 & 4

**CORAM : RAVINDRA V. GHUGE
AND
SANDIPKUMAR C. MORE, JJ.**

DATE : 6th June, 2022

PER COURT:

1. The petitioner seeks to challenge the suspension order dated 19/03/2020. There is no dispute that the suspension is pending disciplinary action.
2. The learned Advocate representing respondent Nos.1 and 2 submits that the suspension has been revoked since 31/12/2020 and thereafter, the petitioner has been paid the regular salary. He would be subjected to disciplinary proceedings as is prescribed in law.
3. The learned Advocate for the petitioner submits that, after the petitioner's suspension from 19/03/2020, the suspension allowance for the some period is unpaid. Vide prayer clause (C),

(2)

he has prayed for grant of entire salary even during the suspension period.

4. It is well settled that suspension is of two types. One form of suspension is pending disciplinary action and if disciplinary action leads to imposition of punishment for a proved misconduct, the delinquent will not have any right to full wages for the suspension period. The second form of suspension is by way of punishment.

5. In the present case, the petitioner was suspended pending disciplinary action and such suspension has now been revoked w.e.f. 31/12/2020.

6. In view of the above, this petition is disposed off.

7. If there is any unpaid suspension allowance during the period of the suspension from 19/03/2020 till 30/12/2020, respondent Nos.1 and 2 would make such payment. Needless to state, the suspension period of the petitioner would be subject to the result of the disciplinary proceedings.

(SANDIPKUMAR C. MORE, J.) (RAVINDRA V. GHUGE, J.)

sjk