

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6462 OF 2021

Smt. Manjusha Subhash Kothavade ..Petitioner

V/s.

The State of Maharashtra and Ors. ..Respondents

Mr. Sanjeev B. Deore a/w. Pranit Lahigade for the Petitioner.

Mrs. S. S. Bhende, AGP for the Respondent-State.

Mr. Subhash V. Gutte for Respondent No.5.

Mr. D. R. Singh a/w. Mr. Adityaraj Gaikwad i/b Suchita Pawar for Respondent No.6.

**CORAM : SUNIL B. SHUKRE AND
G. A. SANAP, JJ.**

DATE : 21 MARCH 2022.

P. C.

Heard. Rule. Rule is made returnable forthwith by consent of the parties.

2. From the reply filed on behalf of management-respondent No.6, it is clear that there is no criminal case or any criminal proceeding whatsoever initiated against the petitioner, which is pending. That being the case the reason stated by respondent No.3 in withholding the salary of the petitioner is found to be wrong. We are of the view that no when criminal case and no criminal proceeding

is initiated against the petitioner and is pending against her, there would be no question of withholding of monthly salary payable to the petitioner. Unfortunately, this has been done from the year 2015 by respondent No.3 in a manner not permissible in law and, therefore, we find that necessary directions can be issued to respondent Nos. 3 and 4 for release of salary along with arrears to the petitioner.

3. The Petition is therefore allowed. Respondent Nos. 3 and 4 are directed to release salary with admissible arrears to the petitioner together with interest @ 6 % p.a. on the arrears of salary from the period for which they are due and payable till the time they are actually paid, within a period of 8 weeks from the date of the order.

4. Rule is made absolute in the above terms. No costs.

(G. A. SANAP, J.)

(SUNIL B. SHUKRE, J.)