

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

WRIT PETITION. NO. 3005/2021

(DR.GAJANAN BHASKAR JADHAV **VERSUS** THE JOINT DIRECTOR OF HIGHER EDUCATION,
AMRAVATI & OTHERS)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri R.L. Khapre, Senior Advocate with Shri A.S. Dhore, counsel for the petitioners.
Shri D.P. Thakare, Additional Government Pleader for the R-1.
Shri J.B. Kasat, counsel for the R-2.
Shri Anand Parchure, counsel for the R-3 to 5.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : SEPTEMBER 28, 2022.

P.C.

The challenge raised in this writ petition is to the order of suspension dated 26.07.2021 issued to the petitioner by the respondent-Management. The petitioner at the relevant time was serving as Principal at the respondent no.4-College. It is submitted on behalf of the Management that enquiry has been proposed against the petitioner and till completion of the enquiry the petitioner shall be placed under suspension.

The grievance of the petitioner is with regard to non-payment of subsistence allowance. It is submitted by the learned Senior Advocate for the petitioner that on completion of period of six months from suspension, the petitioner would be entitled to 100% salary. However till July-2022 he has been paid only 75% of his salary.

Shri Anand Parchure, learned counsel for the respondent nos.3 to 5 on instructions submits that the petitioner is entitled to receive subsistence allowance in accordance with the prevailing statutes and since he is entitled to 100% salary from 26.01.2022 which is after completion of six months of suspension his pay-bills for release of subsistence allowance/100% salary would be forwarded to the respondent no.1. Till the said bills are sanctioned by the respondent no.1, the Management shall pay the petitioner subsistence allowance/ 100% salary in accordance with the Rules. He submits that the

petitioner be directed to furnish an undertaking to the Management that in case the amount of subsistence allowance/100% salary is received by the petitioner from the respondent no.1 he would reimburse the same to the Management.

The petitioner is willing to submit such undertaking to the Management.

Accordingly, the writ petition is disposed of by passing the following directions:-

- Corrected as per Hon'ble Court's order dated 06.01.2023.
- I) The respondent nos.3 and 4-Management shall pay the petitioner subsistence allowance in accordance with the prevailing statutes.
 - II) After making such payment to the petitioner, the respondent nos.3 and 4-Management are free to submit the pay-bills in that regard to the respondent no.1. They can thereafter seek reimbursement from the Government Authorities in accordance with law.
 - III) Within a period of ten days from today, the petitioner shall furnish requisite undertaking as stated above to the respondent nos.3 and 4-Management.
 - IV) The parties shall bear their own costs.

(URMILA JOSHI-PHALKE, J.)

(A. S. CHANDURKAR, J.)

APTE