

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

74 WRIT PETITION NO.1371 OF 2023

JAGANNATH UTTAMRAO JADHAV
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL
SECRETARY AND OTHERS

.....
Advocate for Petitioner : Mr. Patil Shamsunder B.
AGP for Respondent No.1: Mr. S.G. Sangle
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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 7th FEBRUARY, 2023.**

PER COURT :-

1. The petitioner, a Health Assistant in the Primary Health Center, falling in class III category, is aggrieved by the order of suspension dated 1.7.2022, issued by the Chief Executive Officer, Zilla Parishad, Latur, pending disciplinary proceedings.
2. We have considered the grievance of the petitioner. With his assistance, we have gone through the petition paper book. The petitioner has been served with a charge sheet dated 11.10.2022. The details of the charges levelled against him are set out in the annexures. The enquiry officer has been appointed. The petitioner has been moved out of the Primary Health Center at Matola, Tq. Ausa, district Latur to the Primary Health Center at Ahmedpur, Tq. Ahmedpur, district Latur.

3. It is well settled that if an employer places an employee under suspension, pending disciplinary proceedings, the employer is obliged to pay the suspension allowance, strictly as per the Rules on month to month basis to the suspended employee. Unless the suspension order is issued by the authority which had no jurisdiction to pass such an order, the courts are slow in interfering with the orders of suspension, issued pending disciplinary proceedings.

4. In view of the above, this petition is disposed off. We observe that the petitioner would be entitled for the suspension allowance strictly as per the Rules. Since the petitioner has been transferred to Ahmedpur, where he has already joined long ago and if the enquiry is conducted at Latur or any other place, where the petitioner would have to travel for participating in the enquiry, it would be open for the petitioner to claim the travelling allowance for incurring the expenditure for attending the enquiry.

5. We deem it appropriate to observe that since the petitioner has been suspended on 22.7.2022, and the enquiry appears to have been delayed, we expect, that the authorities would conclude the enquiry as expeditiously as possible, and in any case, on or before 31.05.2023.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)