

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

910 WRIT PETITION NO.1845 OF 2023

DEVIDAS BHILLU RATHOD
VERSUS
THE MEMBER SECRETARY MAHARASHTRA JIVAN
PRADHIKARAN

Advocate for Petitioner : Mr. S.S. Jadhavar
Advocate for Respondent : Mr. V.P. Patil

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 31st MARCH, 2023.**

PER COURT :-

1. It is undisputed that the first departmental enquiry initiated against the Petitioner resulted in his exoneration. The employer reopened the enquiry and initiated a second departmental enquiry. In the said second departmental enquiry as well, the Petitioner has been exonerated. Now, no new charges have been levelled against the Petitioner, much less, any departmental enquiry is pending against him.

2. The issue is as regards the salary for the suspension period from 31.10.2011 to 28.04.2015. It is settled law that if a person is exonerated of the charges and is, therefore, declared to be innocent, he has a right to claim conversion of his suspension period into a duty period. Consequentially, he would be entitled for full salary.

3. The learned advocate for the Respondent management, Maharashtra Jeevan Pradhikaran, submits that the pending representation of the Petitioner dated 19.05.2021 would be considered on its merits and in accordance with the law, as applicable.

4. The learned advocate for the Petitioner submits that there are instances as like Premraj Govind Joshi, who is also allegedly involved in the same offence, in which the Petitioner is an accused and R.C.C. No. 246 of 2017 is pending trial. Yet, his suspension period has been converted into duty period.

5. In view of the above, this Petition is disposed off. The Respondent management shall keep in mind, while dealing with the representation of the Petitioner, the law applicable and would also take into account the treatment meted out to Premraj Govind Joshi, in order to consider the case of the Petitioner, on parity. Let such decision be arrived at within 30 days.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

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