

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

WRIT PETITION NO.7036 OF 2019

**PRAKASH MANIKRAO KOKATE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Petitioner : Mr. Deshmukh Suresh B.
AGP for Respondents/State: Mr. S. B. Pulkundwar
Advocate for Respondent No.2: Mr. A. B. Dhongade
...

**CORAM : MANGESH S. PATIL &
S. G. CHAPALGAONKAR, JJ.**

DATE : 08.06.2023

PER COURT :

We have heard both the sides.

2. The dispute is pertaining to the payment of salary to the petitioner for the period for which he was absent from duty as he was involved in a criminal case and was in jail.
3. It is pertinent to note that the petitioner was superannuated during the period when he was in jail. The respondent No.2 being the employer will have to take some decision as regards the period of his absence from duty.
4. The writ petition is disposed of by directing the respondent No.2 to take appropriate decision regarding period of absence of petitioner from duty in accordance with the service regulation as expeditiously as possible and in any event within three months.
5. In case the petitioner is entitled to any monetary benefits depending upon the decision to be taken by the respondent No.2, the

steps shall be taken to release such benefits, pay the arrears if any, expeditiously thereafter and in any case within four months from the date of the decision.

6. The writ petition is disposed of.

(S. G. CHAPALGAONKAR, J.)

(MANGESH S. PATIL, J.)