

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

**907 WRIT PETITION NO.3756 OF 2023
WITH CA/9017/2023 IN WP/3756/2023**

**SUHAS BANDOPANT DAMDHERE
VERSUS
MAHARASHTRA GRAMIN BANK
THROUGH ITS CHIEF GENERAL MANAGER AND ANOTHER**

...

Petitioner Party in Person : Mr. Suhas B. Damdhare
Advocate for Respondents : Mr. Shahane Pradeep L. & Parag Shahane

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**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.
DATE : 3rd October, 2023**

PC. :-

1. The only issue raised in this petition is with regard to whether the suspension of the Petitioner dated 10.11.2021 could be continued indefinitely. By a Civil Application dated 9017/2023, the Petitioner Party in Person has assailed the issuance of the second show cause notice dated 05.07.2023 tendering the inquiry report to the Petitioner and proposing punishment. There is no dispute that, subsequently, the Petitioner has been awarded the punishment of compulsory retirement by the order of punishment dated 28.07.2023 and he has challenged the same before the Appellate Authority. The said appeal is pending adjudication.

2. We have perused Rule 46 of the Maharashtra Gramin Bank (Officers and Employees) Service Regulations 2010. Rule 46 indicates that a suspended employee would be entitled to suspension allowance @ 1/3rd of the basic pay which was last drawn at the time of the suspension. After three months, he is entitled for 1/2 basic pay. The Petitioner in Person submits that he has accordingly received the suspension allowance. However, he insists that though the suspension allowance has been paid as per the 2010 Regulations, it should be paid as per the guidelines of the Central Vigilance Commission.

3. The Petitioner in Person submits that since his appeal is pending, he would canvass all grounds preceding the order of punishment and even regarding the departmental enquiry and the punishment awarded to him. He prays that the Appellate Authority be directed to decide the appeal within a stipulated time frame. He also prays liberty to tender written notes of submissions to the Appellate Authority.

4. The learned advocate for the Bank submits that all the contentions of the Petitioner can be left open so that the appeal can be decided by taking into account all his contentions. The learned advocate Shri Shahane vehemently submits that the CBC guidelines are only directory in nature and the 2010 Regulations have been drafted and made applicable for the past more than ten years.

5. In view of the above, **this petition is disposed off.** The Petitioner Party in Person is granted liberty to tender written notes of submissions to the Appellate Authority, on or before 31.10.2023. Thereafter, the Appellate Authority would proceed to decide the appeal preferred by the Petitioner on or before 30.11.2023.

6. We make it clear that we have not expressed any opinion about contentions of the litigating parties and all the contentions are kept open for the Appellate Authority to consider, in the appeal.

7. In view of the above, the pending **Civil Application does not survive and stands disposed off.**

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]