

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 WRIT PETITION NO.8651 OF 2023

**RAVIKUMAR PREMCHAND POUL
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL SECRETARY
AND OTHERS**

Mr.R.S.Patil, Advocate for the Petitioner.
Mr.S.K.Tambe, AGP for Respondent Nos. 1 and 2.
Ms.Yogita Thorat, Advocate for Respondent No.3.

**(CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.)**

DATE : DECEMBER 5, 2023

PER COURT :

1. The Petitioner has approached this Court against his suspension, that was followed by initiation of departmental proceedings, which culminated into an order of punishment in the nature of termination from service on 26.09.2023. The learned Advocate for the Petitioner submits that the Petitioner desires to prefer an appeal before the School Tribunal u/s 9 of the MEPS Act, 1977, within the limitation period. However, he is not paid suspension allowance as per the Rules.

2. Needless to state, a suspended employee has a right to suspension allowance and the employer is under a legal obligation to pay the suspension allowance until the suspension lasts.

3. In view of the above, **this Petition is disposed off** since the Petitioner would be approaching the School Tribunal. All contentions are kept open. If the suspension allowance has not been paid by the employer to the Petitioner, or there is any shortfall or deficit in the payment of such allowance, the employer shall clear the entire suspension allowance within 30 days from today, failing which, it would be a good ground for the Petitioner to canvass before the Tribunal that the disciplinary action is wholly vitiated.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)