

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

CIVIL APPLICATION (W) NO.2450/2022 IN
WRIT PETITION NO.3005/2021(D)

Dr.Gajanan s/o Bhaskar Jadhav

vs

The Joint Director of Higher Education, Government Polytechnic Amravati and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.S.Dhore, Advocate for non-applicant/original petitioner.
Ms S.S.Jachak, Assistant Government Pleader for non-applicant/orig.respondent no.1.
Shri J.B.Kasat, Advocate for non-applicant no.2/orig. respondent no.2.
Shri Anand Parchure, Advocate for applicants/orig. respondent nos. 3 to 5.

CORAM :- A.S.CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.
DATE :- JANUARY 06, 2023.

By this application the respondent nos. 3 to 5 in the writ petition seek clarification of the order dated 28.09.2022. By the order dated 28.09.2022 the writ petition was disposed of on the statement made on behalf of the said respondents that the original petitioner would be entitled to receive subsistence allowance in accordance with the prevailing statutes and that since he is entitled to 100% salary from 26.01.2022 on completion of six months of suspension, his pay-bills would be forwarded to the Joint Director of Higher Education.

In this regard, it is submitted that under Rule 68 of the Maharashtra Civil Services (Joining Time, Foreign Service and Payments during Suspension, Dismissal and Removal) Rules, 1981 only 75% salary is liable to be paid. Against this, the learned counsel for the original petitioner submits that these Rules do not apply since the original petitioner is an employee of Private Aided Senior College.

Be that as it may, since the statement made was that the petitioner would be entitled to subsistence allowance in accordance with the prevailing statutes, Direction No.(I) of the order dated 28.09.2022 shall now be replaced by the following sentence:

“The respondent nos. 3 and 4-Management shall pay the petitioner subsistence allowance in accordance with the prevailing statutes.”

Another request made in the application is to direct the Joint Director of Higher Education to sanction the pay bills as per the prevailing practice after which the amount of subsistence allowance would be released.

We however find that Direction No.(II) is clear and it has been directed that on making payment of subsistence allowance to the petitioner, the Management is free to seek reimbursement. Hence no clarification in that regard is required.

The civil application is disposed of in aforesaid terms.

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)

Andurkar..