

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 16492 OF 2024

Sou. Sunita Mahendra Kamble ... Petitioner
versus
The State of Maharashtra and Others ... Respondents

....
Mr.Prashant Bhavake for the Petitioner.
Ms.Nisha Mehra, AGP for Respondent Nos.1 and 2-State.
....

**CORAM : RAVINDRA V. GHUGE
&
ASHWIN D. BHOBE, JJ.**

DATE : 11TH DECEMBER, 2024

P.C.:

1. The Petitioner prays that this Court should issue a Writ of Mandamus and quantify the unpaid subsistence allowance for an amount of Rs. 4,05,127/-, along with interest at the rate of Rs.15% p.a.

2. Time and again, the Hon'ble Supreme Court has concluded that disputed issues should not be gone into in the Writ jurisdiction of this Cour. In *CIDCO vs. Dosu Aardeshir Bhiwandiwala and others, 2009 (1) SCC 1*, it has been observed that the disputed issues and the matters pertaining to recoveries of money should not be entertained in the Writ jurisdiction of this Court.

3. The learned Advocate for the Petitioner submits that since an issue of recovery of unpaid suspension allowance, as per the Rules applicable, is at issue, the Petitioner would prefer a representation to Respondent No.2 and pray for quantification of the unpaid amounts.

4. In view of the innocuous prayer put forth, **this Writ Petition is disposed off** without issuing notice.

5. If the Petitioner tenders a representation to Respondent No.2, within a period of 30 days from today, the said Authority would give an opportunity of hearing to all the stakeholders and after considering the Rules applicable, quantify the unpaid suspension allowance for the period of suspension, if not already paid and issue appropriate directions. If there is any dispute on the quantum, the Petitioner would be at liberty to initiate a Civil Suit for recovery of the amount from the employer.

6. Let Respondent No.2 complete the exercise within a period of 75 days from today.

(ASHWIN D. BHOBE,J.)

(RAVINDRA V. GHUGE, J.)