



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

CIVIL APPLICATION NO. 1242 OF 2022

IN

WRIT PETITION NO. 6849 OF 2016

(Dr. Sanjay s/o Govindrao Poharkar ..vs.. Joint Director of Higher Education Nagpur Division, Nagpur
and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. K.R. Giripunje, Counsel h/f. Mrs. R.S. Sirpurkar, Counsel for the
petitioner,
Mr. H. Marathe, A.G.P. for respondent No.1,
Mr. R.D. Bhuihar, Counsel for respondent No.2,
Mr. M.M. Dandekar, Counsel for respondent Nos.3 and 4,
Mr. U.M. Aurangabadkar, Counsel for respondent Nos.5A, 5B.

**CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.**

DATED : 22-08-2024

Heard.

2. For reasons disclosed in the application, the application stands allowed in terms of prayer clauses (a) and (b) since not objected by the respondents.

WRIT PETITION NO. 6849 OF 2016

We have heard the learned Counsel appearing for the respective parties. It is not in dispute that the suspension order issued to the deceased petitioner dated 06-10-2016 was stayed by this Court. As a sequel, the petitioner was continued in the employment of respondent Nos.3 and 4.

2. The proposal of respondent Nos.3 and 4 after completing the disciplinary proceedings against the deceased petitioner for grant of permission to inflict penalty appears to have not attained finality.

3. We are conscious of the fact that post death of the original petitioner employee of respondent Nos.3 and 4, no steps could be taken against the dead employee.

4. In such an eventuality, we are of the view that the order of suspension dated 06-10-2016 needs to be quashed and set aside. Hence, it is quashed and set aside.

5. We direct respondent Nos.1 and 3 to process the request of the legal heirs of deceased petitioner for release of terminal benefits as expeditiously as possible.

6. Mr. U.M. Aurangabadkar, learned Counsel appearing for respondent Nos.5A and 5B preciously consented that such proposal forwarded by respondent Nos.1 and 3 will not be objected. However, the consent is given without prejudice to the rights of respondent Nos.5A and 5B in pending proceedings i.e. Writ Petition No.2504/2022.

7. With above directions, the petition so also pending applications stand disposed of.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)