



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

WRIT PETITION NO.5573/2021

Vikrant Komaldas Gondane Vs.

State of Maharashtra, through its Secretary, Department of Social Welfare,
Mantralaya, Mumbai and others

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

Court's or Judge's orders

Shri N.S. Warulkar, Advocate for petitioner
Ms Prachi Joshi, AGP for respondent No.1
Shri R.N. Ghuge, Advocate for respondent Nos.4 and 5

**CORAM : AVINASH G. GHAROTE AND
SMT. M.S. JAWALKAR, JJ..**

DATED : 19/01/2024

The grievance of the petitioner is for recalling the order dated 04.01.2024, by which, we have directed the District Social Welfare Officer, Bhandara to decide the issue.

2. The learned Assistant Government Pleader has placed an affidavit on record, stating that so far as the claim for subsistence allowance is concerned, it has been decided as Rs.1,70,751/- out of which an amount of Rs.63,998/- already stands paid. The balance amount of Rs.1,06,753/- is directed to be paid by the respondent Nos.4 and 5 who are the Management. The liability of the respondent Nos.4 and 5 to pay the entire subsistence allowance is contained in the report dated 07.10.2021 (page 35) and also the statement in para 3 of the affidavit-in-reply filed by respondent No.3. The respondent Nos.4 and 5 though claim that they have raised the grievance before the respondent No.3 regarding the

liability to pay this amount on account of absenteeism of the petitioner, however that plea which will have to be prosecuted and demonstrated by the respondent Nos.4 and 5 before the respondent No.3. In case, the said plea is accepted then whatever amount is found not to be due and payable can always be required by the respondent Nos.4 and 5 to be redeposited. However, till such time, the liability of the respondent Nos.4 and 5 to pay the subsistence allowance does not go away.

3. In that view of the matter, respondent Nos.4 and 5 are directed to pay balance of the subsistence allowance to the petitioner within a period of two weeks from today. This would, however, be without prejudice to the right of the respondent Nos.4 and 5 to claim any recovery in case the above plea of absenteeism is accepted by the respondent No.3.

4. In so far as the claim for the salary for the period of probation is concerned, the District Social Welfare Officer/respondent No.3 shall decide the said claim, which is already raised before him, within a period of three weeks from today.

5. The petitioner shall appear before the respondent No.3 on 22.01.2024 and place the copy of order before him to appraising the same. Petition is, therefore, disposed of in above terms. No costs.

JUDGE

JUDGE

R.S. Sahare