



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7842 OF 2015

VIVEK VITTALRAO HOLSA MBRE
VERSUS
STATE OF MAHARASHTRA AND OTHERS

...
Mr. Gaurav L. Deshpande, Advocate for the Petitioner
Mr. N. D. Batul, AGP for Respondent/State
Mr. S. B. Ghute, Advocate for Respondent Nos.2 To 5
...

**CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL JADHAV, JJ.**

DATE : 04th DECEMBER, 2025

PER COURT :

1. It is the case of petitioner that he was placed under suspension on 11/11/2009. Thereafter departmental enquiry was conducted against him and his two increments were stopped by way of punishment. In appeal the said order is modified and only one increment was stopped. Thereafter, the petitioner's suspension was revoked and he was reinstated on 15/12/2010. However, petitioner was not paid 75% suspension allowance after completion of three months period of suspension and he was only paid 50% suspension allowance.

2. Heard learned advocate for petitioner, learned AGP for the State and learned advocate for respondent Nos.2 to 5. Perused the record.

3. Petitioner has placed on record copies of the office

noting of the Education Department of respondent Zilla Parishad, wherein it is mentioned that on 23/05/2012 Bandhkam Sabhapati, Zilla Parishad, Latur has perused the file and instructed to release 75% suspension allowance to the petitioner. Thereafter there are notings recommending payment of 75% suspension allowance to the petitioner. However, later the noting is made that since the petitioner is reinstated on 15/12/2010 he should not be paid 75% suspension allowance.

4. As per the rules and Government policy the petitioner was entitled for 75% subsistence allowance, on completion of his three months suspension period. Action on the part of respondents in not paying 75% subsistence allowance to the petitioner on completion of three months suspension period is arbitrary, unreasonable and unsustainable. For their fault the same is not paid to the petitioner. Respondents cannot take advantage of their own wrong by denying 75% subsistence allowance to the petitioner.

5. In the result, writ petition is allowed by directing the respondents to pay remaining 25% subsistence allowance to the petitioner for the period from 10/02/2010 to 15/12/2010 along with 6% simple interest thereon, within a period of eight weeks from the date of receipt of this order.

(VAISHALI PATIL JADHAV, J.)

(NITIN B. SURYAWANSHI, J.)