



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

**49 CONT. PETITION NO. 742 OF 2025  
IN WP/13346/2024**

Prashant Bhagwansingh Kachhawa  
VERSUS  
Shri Ganesh Baburao Patil And Others

- ...
- Adv. Kiran Salunke and Adv. Mahesh Kale for the Petitioner
  - Mr. A. R. Kale, AGP for State
- ...

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

**DATE : 15.12.2025**

**PER COURT:**

1. By order dated 17.07.2025, direction was given to the respondents to take the final decision in the departmental enquiry against the petitioner within four weeks from the date of receipt of the order. Further, it was observed that, *"It is needless to state that as per the Maharashtra Civil Services Rules, the employee who is suspended, is to be paid subsistence allowance. The concerned authority shall pay subsistence allowance as per the rules, if not paid earlier, within a period of two weeks from today."*

2. By filing affidavit-in-reply, the respondents have contended that the final decision is taken in the departmental enquiry of the petitioner. So far as payment of subsistence allowance is concerned, a

statement is made that the petitioner has failed to furnish the certificate that he has not accepted any private employment or engaged in any business or profession during the said period, every month. The respondents have also disputed that the petitioner joined at the headquarters and they contend that he joined only on 18.08.2025. The petitioner was suspended on 10.01.2023.

3. Learned advocate for the petitioner submits that the petitioner went to join at the headquarters on 11.01.2023. For that purpose, he has placed on record a copy of the joining report, wherein an endorsement is made by the Regional Soil and Water Conservation Officer, Aurangabad. Learned AGP disputes the same.

4. Learned AGP would submit that this is the only joining report submitted by the petitioner, however, he has not remained present at the headquarters and did not submit the said certificates every month and, therefore, subsistence allowance was not paid to the petitioner. For the period from 18.08.2025 to 31.08.2025, the subsistence allowance is paid to the petitioner.

5. Learned advocate for the petitioner tried to contend that there is internal correspondence between the respondents by which the subsistence allowance is directed to be released to the petitioner.

**6.** We are not going into the disputed questions of fact. Since the respondents have substantially complied with the orders, the contempt petition is disposed of.

**7.** The petitioner is at liberty to persuade the respondents to release him the subsistence allowance, if it is permissible as per rules.

**[VAISHALI PATIL-JADHAV, J.]**

**[NITIN B. SURYAWANSHI, J.]**