

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

**INTERIM APPLICATION NO. 15522 OF 2024
IN
WRIT PETITION NO. 13444 OF 2022**

Prashant Ramesh Deshmukh ... Applicant

IN THE MATTER OF

Prashant Ramesh Deshmukh ... Petitioner
versus

Seva Sadan, Registered Trust/ Society
C/o. R.K.Talreja College & Ors. ... Respondents

...
Mr.Rajeshwar G. Panchal with Mr.Sarang S. Gundajwar for the Applicant/
Petitioner.
Mr.P.D.Dalvi for Respondent Nos. 1 and 2- Management.
Mr.B.V.Samant, Addl. GP with Mr.S.H.Kankal, AGP for Respondent Nos.
3 and 4, State.

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

DATE : DECEMBER 05, 2025

P.C:

1. We have heard the learned Advocates for the respective parties.

2. The learned Advocate for the Management submits that an amount of Rs. 24,64,630/- has been deposited in this Court towards

suspension allowance payable to the Applicant.

3. The learned Advocate for the Applicant submits that the said amount of Rs. 24,64,630/- is an inaccurate calculation of the suspension allowance in view of the applicable Rules. He submits that the Management should be directed to submit the break-up of the calculation of the suspension allowance for the Applicant's suspension period.

4. The learned Advocate for the Management submits that though the Applicant has been acquitted of the charge punishable under Section 376 of the Indian Penal Code, the Applicant was subjected to a departmental enquiry, and the Enquiry Officer has held him guilty of the charge levelled upon him.

5. The learned Advocate for the Applicant submits that the Applicant challenged the order of dismissal from service before the School Tribunal, and by a judgment dated 29th April, 2025 in Appeal No. 16 of 2024, the Tribunal set aside the dismissal and granted reinstatement with continuity of service and full back wages. This judgment is now under challenge in Writ Petition No. 10359 of 2025 before the learned Single Judge Bench.

6. The learned Advocate for the Management submits that if the Petitioner is allowed to withdraw the amount and he eventually loses before the learned Single Judge, it would be very difficult to recover the amount.

7. In these peculiar circumstances, **this Interim Application is partly allowed.**

8. The Petitioner is permitted to withdraw Rs. 12,00,000/- from this Court by filing an affidavit undertaking that if he is eventually held disentitled to the amount by any Court, he would refund the said amount without interest within 30 days, failing which the amount would carry interest at the rate of 5% per annum, from the date of withdrawal until re-deposited.

9. We also record that eventually if the Petitioner succeeds in getting full back wages or any quantum of the back wages before the learned Single Judge Bench, and if it is concluded that the period of suspension is to be treated as on duty, the withdrawal of the amount would be subject to such decision.

10. In the meanwhile, we direct the Management to furnish a detailed break-up of the calculation of the suspension allowance and also quote the Rules under which the suspension allowance has been calculated, in the Writ Petition. Let such affidavit be filed, on or before 15th January 2026.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)