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

CIVIL APPLICATION (W) NO. 2104/2025
IN
WRIT PETITION NO. 1980/2024

Rajkumar Yashwantrao Malve

..versus..

State of Maharashtra & others

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

.....
Court's or Judge's orders

.....
Shri A.R. Deshpande, Advocate for the Petitioner(s)
Shri J.Y. Ghurde, AGP for the Respondent/State
Shri M.V. Samarth, Sr. Adv a/b Shri V.B. Bhise, Adv for the Respondent Nos. 2 & 3

CORAM:- M.S. JAWALKAR, J.
NOVEMBER 21, 2025

. On oral request, leave is granted to amend the prayer clause of the Civil Application.

(2) By this Application, the Petitioner is seeking clarification of the order dated 28/04/2025 passed by this Court. It is submitted that by the said order, the termination of the Petitioner was set aside and the Agricultural Produce Market Committee was directed to pay the subsistence allowance as per the Rules.

(3) In my considered opinion, the question of payment of subsistence allowance is reflecting, as there is a grievance that subsistence allowance during the enquiry was not paid as per the provisions of law.

..A..

However, on setting aside of the termination, the Petitioner is entitled to be reinstated. Even if the Respondents want to suspend the Petitioner, they have to follow Rule 100(6) of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Rules, 1967. Thus, the earlier order dated 28/04/2025 is modified with insertion of Clause 5(a) after Clause 5 of the operative order as under:-

“5(a). The Respondents shall reinstate the Petitioner in his original post. If at all the Respondents are willing to suspend the Petitioner during enquiry, they may take recourse to the provisions of law i.e. Rule 100(6) of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Rules, 1967.”

(4) With the above clarification, the Application stands **disposed of**.

(M.S. JAWALKAR, J.)