

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO. 83 OF 2026**

Arun Pundalik Wani
Age-58 Occu:Service
R/o 302, C-Wing, Satwick Complex
Katrap, Badlapur, Tal. Ambernath,
Dist. Thane 421503 ...Petitioner

Versus

- 1 The State of Maharashtra
Through its Principal Secretary,
School Education Department,
Mantralaya, Mumbai-32.
- 2 The Principal Secretary,
Rural Development Department,
Mantralaya, Mumbai – 32.
- 3 The Zilla Parishad, Thane
(Through its Chief Executive Officer)
Thane.
- 4 The Education Officer (Primary)
Zilla Parishad, Thane ...Respondents

Mr. Satish B. Talaker (Through VC) a/w Mr. Yogesh V. Morey i/b.
Talekar and Associates for the Petitioner.

Mr. Shrishail Sakhare for Respondent Nos. 3 and 4.

**CORAM : RAVINDRA V. GHUGE &
ABHAY J. MANTRI, JJ.
DATE : 29th JANUARY, 2026**

ORAL JUDGMENT (PER RAVINDRA V. GHUGE, J) :-

1. Rule. Rule is made returnable forthwith and heard
finally by the consent of the parties.

2. The Petitioner has put forth prayer clause (a) and (b), as under :-

“A) To quash the impugned order dated 08.11.2025 placing the petitioner under suspension passed by the Chief Executive Officer and the Disciplinary Authority, Zilla Parishad, Thane by issuing writ of certiorari or any other appropriate writ, order or direction, as the case may be;

B) To grant interim stay to the operation, execution and implementation of the impugned order dated 08.11.2025 passed by the Chief Executive Officer and the Disciplinary Authority, Zilla Parishad Thane, pending hearing and final disposal of this petition;’

3. The Petitioner is a Head Master of the Zilla Parishad School Javsai. He is due to superannuate on 31st January, 2026, after having put in almost 29 years of service. According to him, in these entire period of almost 3 decades, it is the first time that he has been placed under suspension by the order dated 8th November, 2025, on the ground that he has indulged in irregularities. He claims that his past service record is unblemished.

4. Mr. Talekar submits that with such an unblemished past service record and when he was on the verge of retirement, the Chief Executive Officer, Zilla Parishad, Thane, exercised his power under Section 3 of the Maharashtra Zilla Parishad District Services (Discipline and appeal) Rules, 1964 (herein after referred to as

“1964 Rules”) to suspend the Petitioner on 08.11.2025. Rule 3 reads as under:-

- “3. *Suspension. - The Appointing Authority or any other Officer of the Zilla Parishad to whom such Appointing Authority is subordinate or any other of the Zilla Parishad empowered by the Chief Executive Officer in that behalf may place a Parishad servant under suspension, -*
- (a) where a disciplinary proceeding against him is contemplated or is pending, or*
 - (b) where a case against him in respect of any criminal offence is under investigation or trial:*

Provided that, where the orders of suspension are made by an authority lower in rank than the Appointing Authority, such authority shall forthwith report to the Appointing Authority the circumstances in which the order was made.

- (2) A Parishad servant who is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours shall be deemed to have been suspended with effect from the the date of detention, by an order of the Appointing Authority and shall remain under suspension until further orders.*
- (3) Whether a penalty of dismissal, removal or compulsory retirement from service imposed upon a Parishad servant under suspension is set aside in appeal or revision under these rules, and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.*
- (4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Parishad servant is set aside or declared or rendered void in consequence of, or by, a decision of a Court of law and the Disciplinary Authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the Parishad servant shall be deemed to have been placed under suspension by the Appointing Authority from the date of the original order of dismissal, removal or compulsory*

retirement and shall continue to remain under suspension until further orders.

(5) An order of suspension made or deemed to have been made under this rule may, at any time, be revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.”

5. Considering the above, he submits that, since he was merely kept under suspension with a different motive when he was on the verge of his retirement, he had no option but to file the present Writ Petition before this Court on 10th December, 2025.

6. The Petitioner has set out the grounds for challenging the impugned suspension order under Clause (I) to (X) which read as under :-

“I. At the outset, the impugned order dated 08.11.2025 is passed as without an authority inasmuch no disciplinary proceedings was either contemplated or pending and at the same time no criminal offence is either under investigation or trial against the petitioner, without which power to suspend cannot be exercised.

II. It is well settled by now that suspension can be ordered only in cases of gross misconduct and involving serious charges against the delinquent. The allegations against the petitioner is only an

irregularity in disbursement of scholarship to two of the parents of tribal students. There is no allegation of misappropriation or embezzlement of scholarship amount.

III. Admittedly, scholarship was disbursed in cash pursuant to decision taken and resolution passed by the School Management Committee and that too in the presence of the members of the School Management Committee. No action is either contemplated or initiated against the members of the School Management Committee. The petitioner cannot be singled out and subjected to invidious discrimination.

IV. The record such as the register of scholarship discloses that the parents of tribal students had put their signatures or thumb impressions against their names in the register maintained for the purpose. If the disciplinary authority had any doubt or wanted to check the veracity of the signatures/thumb impressions, it was necessary to refer the signatures or thumb impressions either to the fingerprint expert or to the handwriting expert, particularly when the petitioner had requested to do so.

V. The Disciplinary Authority did not record the statements of the members of the School Management Committee nor made any attempt to verify as to whether the amount of scholarship

was in fact disbursed to the parents or not by recording statements of the members of the School Management Committee or calling for report or opinion of handwriting expert or fingerprint expert.

- VI. The Disciplinary Authority ought to have appreciated that almost 3 years have elapsed since the amount of scholarship was disbursed to the parents. The petitioner who continues to be in service almost for 3 years even after disbursement of the amount of scholarship to those parents, it was certainly neither just nor proper to suspend him at the fag end of his career. The petitioner would retire on superannuation on 31.01.2026.*
- VII. There was no similar or any other allegation either in the past or even after the alleged disbursement of scholarship. The suspension just 3 months before his retirement would be a blot on his plain and spotless character. The petitioner has to carry a stigma for his entire life unless the impugned order of suspension is quashed and set aside. Moreover, such an act would cause serious impediment and protract his pensionary benefits on his retirement on 31.01.2026.*
- VIII. The impugned order is violative of Rule 3 of the Rules 1964.*
- IX. It is a settled position of law that suspension cannot be ordered as and by way of punishment.*

X. The impugned order is arbitrary, discriminatory, unjust oppressive and violative of Articles 14 and 21 of the Constitution of India.”

7. The learned Advocate for the Zilla Parishad has vehemently opposed the Petition. He submits that though the suspension did not speak about desire of the Zilla Parishad to initiate the departmental enquiry, a chargesheet was issued to the Petitioner along with the letter dated 12th January, 2026 by the Departmental Disciplinary Authority – CEO of Zilla Parishad.

A copy of the print out of the tracking report from the India Post Website indicating that the chargesheet is despatched to the Petitioner through the post on 23rd January, 2026 along with the other documents (Pages 60 to 80), is tendered by the learned Advocate for the Zilla Parishad. The same is taken on record and marked as ‘X’ for identification.

8. Three charges have been levelled against the Petitioner which are as follows :-

- (a) Failure to disburse the scholarship amount to an Adiwasi student under the Suvarna Mohostavi Adiwasi Shishyavrutti Yojana (सुवर्ण महोत्सवी आदिवासी शिष्यवृत्ती योजना).

- (b) Bringing the image of the Government and the Zilla Parishad to disrepute.
- (c) Failure to maintain integrity.

9. Mr. Talekar submits that one student namely Govind Waghe lodged a complaint on 7th July, 2025, after 3 years, contending that he did not get the scholarship for the academic year 2021-2022 and 2022-2023. This complaint was lodged in July 2025 and the suspension order was issued on 8th November, 2025. He, therefore, submits that a stale issue was dug out on the basis of one complaint, and that the Maharashtra Navnirman Vidyarthi Sena (महाराष्ट्र नवनिर्माण विद्यार्थी सेना) jumped into the fray, contending that three four other students were also not disbursed the amounts for the same period. This, at the most, are irregularities, because the copy of the chargesheet which is delivered to the Court and to the learned Advocate for the Petitioner, does not contain any charge that the said amount was siphoned off by the Petitioner.

10. The learned Advocate for the Zilla Parishad submits that there might have been a slight delay of issuing the chargesheet. However, the said delay cannot be termed as being inordinate. He further submits that a local newspaper by name Dainik Navrashtra

Vrutapatra (“ दैनिक नवराष्ट्र वृत्तपत्र ”) published a news on 12th September, 2025, with the headline “Vidhyarthyanchi Shishyvruti Laatli” (“विद्यार्थ्यांची शिष्यवृत्ती लाटली”) and because this news was published in the newspaper, the image of the State Government and the Zilla Parishad was maligned. He, therefore, submits that there is no ground for interference in the departmental enquiry which the Zilla Parishad now contemplates.

ANALYSIS AND CONCLUSIONS

11. It is settled law that whether to suspend an employee or not, is in the domain of the employer. The legal obligation is that the employer has to ensure that the suspension allowance is paid in accordance with the procedure.

12. The learned Advocate for the Petitioner has taken instructions from the Petitioner present in the Court and conveys that the Petitioner submits that he has not received the suspension allowance for the period of suspension.

13. It is not that a suspension order would be vitiated only

because the employer has not mentioned that the suspension is pending disciplinary proceedings. Mere non-mentioning of this fact would not vitiate the suspension order. However, suspension of an employee without an allegation of misappropriation, and on a basis of complaint with reference to a grievance raised after three years, when the Petitioner is on the verge of retirement, could be an arguable issue. Nevertheless, this issue can be a subject matter of conducting a departmental enquiry.

14. Considering the dates and events, and considering that the charge of non-disbursement dates back to year 2021-2022, which is almost four years ago, and 2022-2023, which is about three years ago, and when the employer does not charge the Petitioner of having misappropriated the amount or having withdrawn the said amount, we find the reason for the suspension, that too when the Petitioner is to superannuate on 31st January 2026, would have the semblance of an indiscrete and high handed act on the part of the Employer.

15. In view of the above, **this Petition is partly allowed** only to the extent of quashing the suspension order dated

08.09.2025, from the date of this Judgment. As such, on the date of retirement, i.e. 31st January 2026, the Petitioner would be deemed to be in regular service.

16. The outstanding/unpaid suspension allowance shall be paid to the Petitioner by the Zilla Parishad within 30 days from today.

17. Needless to state that the Zilla Parishad would continue with the proposed act of initiation of a departmental enquiry. The Petitioner shall render whole-hearted co-operation and would not seek adjournment on unreasonable or trivial grounds. For easy correspondence, the Petitioner tenders his postal address and email address along with his whatsapp number as under :-

Name	Mr. Arun Pundalik Wani
Address	R/o. 302, Satvik Tower, Katrap, PMC Bank, Badlapur (East), Badlapur, Thane MH-421503.
Email	arunwani98@gmail.com
Whatsapp	
Mobile	9881634915
Number	

18. **Rule is made partly absolute** in the above terms.

19. No order as to costs.

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)