

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6946 OF 2015

BHAGWAN GARBAD SURYAWANSHI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
CIVIL APPLICATION NO. 7426 OF 2015
IN WRIT PETITION NO. 6946 OF 2015

YOGESH PRABHAKAR CHAUDHARI
VERSUS
BHAGWAN GARBAD SURYAWANSHI

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Advocate for applicant : Mr. P. S. Shendurnikar
Advocate for non-applicant (petitioner) : Mr. S. P. Brahme

WITH
WRIT PETITION NO. 6951 OF 2015

KULDEEP RAMAN RANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
WRIT PETITION NO. 6959 OF 2015

BHATU ANANDA PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
WRIT PETITION NO. 6960 OF 2015

PRABHAKAR POPAT PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
CIVIL APPLICATION NO. 7425 OF 2015
IN WRIT PETITION NO. 6960 OF 2015

YOGESH PRABHAKAR CHAUDHARI
VERSUS
PRABHAKAR POPAT PATIL

Advocate for applicant : Mr. P. S. Shendurnikar
Advocate for non-applicant (petitioner) : Mr. S. P. Brahme

WITH
WRIT PETITION NO. 6962 OF 2015

MANOJ NILKANTHA INGLE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for petitioners : Mr. S. P. Brahme and Mr. A. G. Magre
AGP for respondent/State : Mr. K. M. Suryawanshi
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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 10th AUGUST, 2015

P.C. :-

1. In all these matters, the petitioners are directed to pay fine of Rs.5,000/- for the irregularities committed in availing L.T.C.

2. We have heard Mr. Brahme and Mr. Magre, the learned counsel for the petitioners. Mr. Brahme the learned counsel submits that the petitioners received the amount in March, 2013. Show cause notice was received to the petitioners in August, 2014 and the petitioners refunded the amount availed under L.T.C. On 20.11.2014. The learned counsel submits that the petitioners would not pray for remitting the matter back on account of non-observance of procedure as after lapse of about two years, it would be difficult to produce the necessary documents. The learned counsel submits that without accepting the guilt, the petitioners would accept the punishment, however, the same is disproportionate and the same be

reduced to 10% of the fine amount levied. Mr. Brahme, the learned counsel further submits that even salary from April, 2015 till date has been withheld of all these petitioners.

3. Mr. Suryawanshi, the learned AGP states that he has received instructions from the respondent Education Officer that the fine amount can be reduced to 50%. It is for the authority to take decision.

4. We have also heard Mr. Shendurnikar, the learned counsel for the intervenor.

5. Considering the submissions made by the learned counsel for the petitioners, we have not gone into the aspect about whether proper procedure has been followed while imposing fine or not. The AGP, on instructions, has stated that the Education Officer is ready to reduce the fine to 50% i.e. to the extent of Rs. 2,500/- per petitioner. Considering the above, we pass the following order :

ORDER

- I. The fine imposed vide the impugned order as against the petitioners is reduced to 50% i.e. each petitioner shall pay Rs.2,500/- as fine and deposit the said amount individually with the Education Officer (Secondary), Zilla Parishad, Nandurbar. Upon deposit of amount of fine of Rs. 2,500/- by

each petitioner, the respondent Education Officer shall release the salary of the petitioners withheld from April, 2015, immediately.

- II. The writ petition is disposed of with aforesaid observations and directions. In view of disposal of writ petition, the civil applications also stand disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

aaa/