

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7853 OF 2016

MAHENDRA NIVRUTI DHAWARE

PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND
OTHERS

RESPONDENTS

Mr.R.P.Adgaonkar, Advocate for the petitioner.

Mr.U.H.Bhogale, AGP for respondent Nos. 1 and 2.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 26/07/2016

PER COURT :

1. The petitioner is aggrieved by the order dated 23/07/2012 passed by respondent No.3/Chief Executive Officer thereby awarding punishment of reducing the pay of the petitioner to the basic pay scale under the Discipline and Appeal Rules, 1964 and the Rules of 1967.

2. The petitioner has also challenged the order dated 15/01/2016 passed by respondent No.2/Divisional Commissioner by which his appeal has been dismissed.

3. Mr.Adgaonkar, learned Advocate for the petitioner has

strenuously criticized the impugned orders. He submits on instructions that the petitioner had never signed any order of transferring government land to any person in his capacity as a “Gram Sevak”. He has seriously questioned the reasons adduced by the authorities below in delivering the impugned orders. It is, therefore, submitted that both the impugned orders deserve to be quashed and set aside and the petitioner deserves to be exonerated of the charges levelled upon him.

4. He further submits that an identically placed employee has been shown leniency and awarded lesser punishment.

5. Despite the strenuous efforts of Mr.Adgaonkar, I am unable to accept his submissions for the reason that the impugned orders clearly indicate that the documents placed before the authorities had been perused and the petitioner was found to have exercised jurisdiction not vested in him in transferring the Renapur Gram Panchayat Land to the persons mentioned in the departmental enquiry. The other employee Mr.D.S.Hatte had not committed a similar offence and, hence, he was awarded lesser punishment.

6. It is trite law that the writ jurisdiction of this Court under

Article 227 and/or supervisory jurisdiction is akin to the revisional powers of this Court. The findings arrived at by the Authorities below, which are based on the departmental enquiry report and the documents available, cannot be overlooked.

7. Considering the above, I do not find that the impugned order of permanently lowering the pay scale of the petitioner to the basic pay could be termed as being shockingly disproportionate. It appears that the petitioner has implemented the decision of transfer of land and has therefore been instrumental in transferring the Renapur Gram Panchayat land.

8. This petition, being devoid of merit, is therefore, dismissed.

(RAVINDRA V. GHUGE, J.)