Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1630 OF 2014

Shri. Ulhas Narayan Lakhan,
A-26, Shree Shrush C.H.S.,
Mith Bunder Road,
Opp. K.C.Engineering College,
Thane (E),Thane 400 603. ...Petitioner.

vs.

1. State of Maharashtra and ors.
Through Principal Secretary,
Finance Dept., Mantralaya,
Mumbai-400032.

2. The Director,
Accounts and Treasuries,
M.S. Mumbai, Govt. Barrack Nos. 15 and 16.
Free Press Journal Marg,
Mumbai 21.

3. The Secretary to Government
(Accounts and Treasury),
Finance Dept., Mantralaya,
Mumbai 400 032. ...Respondents.

Mr. M.S.Topkar with Ms.Pavitra Manesh for the Petitioner.
Mr. V.N. Sagare, AGP for Respondent Nos. 1 to 3.

CORAM:ANOOP V. MOHTA AND
A.S.GADKARI, J.
DATE : 2ND DECEMBER, 2016

ORAL JUDGMENT: (ANOOP V. MOHTA, J.)

1) The petitioner has challenged the impugned order dated 12.4.2012 whereby considering the background, events and the earlier order so passed read with the charges so framed against the other employees including the nature of mistakes and the punishment given by the department and ultimately while concluding the enquiry has restricted to minor penalty so imposed.

2) The learned counsel for the petitioner has submitted that the petitioner joined the State Government in Finance Department on 14.2.1978 and worked on various posts. When he was working as District Audit Officer, he appeared for interview conducted by MPSC for the post of Administrative Officer, Foods and Drugs Administration and he joined that post on 23.12.1997.

While working as Senior Auditor, the petitioner was issued charge sheet dated 31.12.1996 for alleged lapses when the petitioner was serving as Superintendent in the Pay and Accounts Office.

The petitioner denied the charges and refuted the allegations vide reply dated 14.1.1997. The respondents ordered joint enquiry of all the employees who were issued charge sheets vide order dated 24.4.1997. However, no steps were taken by the respondents for long time. Ultimately imposed the different punishments.

3) After going through the events and submissions and the reasons so made and specifically with regard to the aspect of different punishments given to other officers in the common enquiry and it is only against the petitioner, the order of dismissal was passed which ultimately resulted into imposing of the minor penalty, we see no case is made out to interfere the same. There is no case of any discrimination or arbitrariness.

4) Merely because others were imposed with only deduction of compensation for one year that itself in our view cannot be the reason in the background so recorded in the order to interfere with the order. There is no perversity and/or illegality in passing such orders by the authorities and the tribunal.

5) Therefore, taking over all view of the matter, we see no case is made to interfere. Petition is dismissed. No costs.

(A.S.GADKARI, J.) (ANOOP V. MOHTA,J.)