

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

38 WRIT PETITION NO. 1406 OF 2018

**HARISHCHANDRA UTTAM NIKAM
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WITH
39 WRIT PETITION NO. 1407 OF 2018**

**MANOJ ATMARAM CHINCHORE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for the Petitioners : Shri Bolkar Yogesh B.
AGP for Respondents 1 and 2 : Shri S.K.Tambe.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 05th February, 2018

Per Court:

1 The Petitioners are aggrieved by the orders dated 13.01.2017 passed by the Chief Executive Officer, Zilla Parishad, Jalgaon as well as the orders dated 05.12.2017 passed by the Additional Commissioner, Nashik Division, Nashik.

2 The contention is that insofar as the Petitioners are concerned, it was alleged against them that they have not submitted the online Pay Bills of all employees of the respective schools within a

particular time schedule for the month of November, 2015, salary of which month was payable in December, 2015. The notices were issued to these Petitioners with regard to the negligence and the delay caused by them. Each of them submitted their replies to the Education Officer admitting that they could not fill in the details of Pay Bills online within time. Having admitted this aspect, they stated that there were certain technical difficulties due to which, the Pay Bills were filled in belatedly. An assurance was given that henceforth the pay bills for every month would be promptly filled in online.

3 Considering the above, the Chief Executive Officer passed the orders issuing the second show cause notices on 28.01.2016 proposing the punishment of stoppage of one increment temporarily for one year without cumulative effect. These Petitioners pleaded guilty in their replies submitted to the said notices and prayed that they should be pardoned. Consequentially, the orders of punishment dated 13.01.2017 were issued and one increment of these Petitioners was stopped for only one year without cumulative effect. Their appeals preferred before the Additional Commissioner, Nashik were rejected.

4 Though the learned Advocate for the Petitioners has strenuously criticized the impugned orders, it cannot be ignored that the pay bills were not filled in online causing multiple problems to the State Government since salaries of the employees are transmitted online in their

salary accounts. Delaying the pay bills has a cascading effect.

5 The Petitioners have accepted the mistake committed by them and have pleaded guilty by stating that henceforth such mistake would not be repeated. It is in this backdrop that minor punishment of stoppage of one increment temporarily for one year without cumulative effect, has been awarded.

6 Under the supervisory jurisdiction of this Court, the impugned orders can be interfered with only if it is noticed that gross injustice has been caused to the Petitioners, as is the law laid down by the Honourable Supreme Court in *Syed Yakoob v/s K.S.Radhakrishnan*, AIR 1964 SC 477 and *Surya Dev Rai v/s Ram Chander Rai*, AIR 2003 SC 3044, or that a shockingly disproportionate punishment has been awarded. Merely because a second view is possible, this Court cannot interfere with the impugned order. The said order must appear to be perverse, erroneous and causing gross injustice to the Petitioners.

7 Considering the above, these Writ Petitions being devoid of merit are, therefore, dismissed.