

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

WRIT PETITION NO.1682 OF 2017

Shaligram Kisan Karale .. Petitioner

Versus

The Union of India and ors. .. Respondents

Mr A.N. Kakade, Advocate for petitioner

Mr Bhushan Kulkarni, Advocate for respondents no.1 to 5

**CORAM : S.V. GANGAPURWALA &
A.M. DHAVAL, JJ**

Date : 16th March 2018

PER COURT

1. Mr Kakade, learned Counsel for the petitioner submits that the petitioner, at the relevant time was positioned at the front side of the quarter guard. Later, he handed over the charge to his reliever. The other person who was on duty, was under intoxication. He abandoned his duty and went back to barrack no.1 and assaulted the Head Constable. The inquiry was conducted. The petitioner was also charge-sheeted under Section 11 (1) of the Central Reserve Police Force Act, 1949. Upon conclusion of the departmental enquiry, the petitioner was found guilty and dismissed from the service under order dated 6.6.2012. The petitioner preferred appeal. The appellate authority allowed the appeal and reduced the punishment.

2. Learned Counsel submits that the other co-accused have been getting pensionary benefits and the promotions though the role attributed to them was much more than the petitioner. The revision filed by the petitioner came to be dismissed. According to the learned

Counsel, the rule of parity would apply. The petitioner ought to have given the same treatment as given to the other co-delinquents. Learned Counsel submits that even after the period, as prescribed in the order of the appellate authority, is over, the petitioner is not being given the increment and is also not being promoted.

3. Mr Kulkarni, learned Counsel for the respondents supports the order and submits that the misconduct was grave. Liberal approach has been taken by the appellate authority.

4. The jurisdiction of this Court to interfere with the findings of the departmental proceedings is in a narrow compass. This Court would only consider the question as to adherence to the procedure in conduct of departmental enquiry, so also as to whether the punishment imposed is disproportionate.

5. Considering the charges imposed against the petitioner, the appellate authority has reduced the punishment imposed by the disciplinary authority and the same is confirmed by the revisional authority.

6. There is nothing on record to substantiate that the procedure in conducting the departmental enquiry was not followed or that there was violation of principle of natural justice.

7. The period of punishment has come to an end. The petitioner is not given increment and not being considered for promotion.

8. The petitioner has already given representation to the authority in the year 2016 in that regard. The respondents shall take decision with regard to it and consider the petitioner for promotion as per rules and procedure.

9. With these observations, writ petition disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

vvr