

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

BENCH AT AURANGABAD.

WRIT PETITION NO.6048 OF 2017

Pradip Murlidhar Chaudhary ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

...

Mr.P.V.Barde, advocate for the Petitioner.
Mrs.A.V.Gondhalekar, Additional Government
Pleader for the State.

Mr.Y.B.Bolkar, advocate holding for
Mr.A.B.Girase, advocate for Respondent No.3.
Mr.N.S.Tekale, advocate for Respondent No.4.

...

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

Date : 16.04.2018.

PER COURT :

1. The petitioner assails the action of
stoppage of one increment and also seeks service
book from the Respondent.

2. The Respondent No.4 has filed affidavit stating that the Respondent No.4 had called petitioner to give his service book, so that it would be updated. They also state that they are ready to give duplicate copy of the service book to the petitioner. The Respondent No.4 shall give the duplicate copy of the service book to the petitioner.

3. As far as stoppage of one increment is concerned, Rule 10(1)(a) of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 is not adhered to.

4. In light of that, the impugned action withholding one increment is quashed and set aside. If the Respondents wants to take any action imposing penalty upon the petitioner, they are at liberty to do so after following due procedure laid down in Maharashtra Civil Services (Discipline and Appeal) Rules, 1979.

5. Till the action is taken, the Respondents shall not withhold the increment as

admissible to the petitioner in accordance with law.

6. The Writ Petition is disposed of. No costs.

(A.M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

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