

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

WRIT PETITION NO. 9548 OF 2017

**SUNITA SHRIPAD BAND
VERSUS
ZILLA PARISHAD AHMEDNAGAR THROUGH CHIEF EXECUTIVE OFFICER
AND ANOTHER**

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Advocate for the Petitioner : Shri Barde Parag Vijay.
Advocate for Respondent 1 : Smt.Manjushri Shendage-Narwade.
AGP for Respondent 2 : Shri S.K.Tambe.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 05th July, 2018

Per Court:

1 After extensively hearing the learned Advocates for the respective sides on 11.06.2018 and 28.06.2018, I had passed the following order on 28.06.2018 :-

- "1. Issue is as regards whether the respondent could be allowed to conduct a denovo enquiry without having reserved a right in the written statement in view of *KSRTC Vs. Laxmidevamma and another*, 2001(2) CLR 640. So also, right to conduct a denovo enquiry is not expressed by entering an application after the preliminary issues were decided by order dated 19/06/2012 and such an application was filed for the first time on 09/10/2014 after litigation upto this Court.
2. As such, even if the proposed punishment of compulsory retirement vide the order dated 21/08/2006, is sustained, there could be no deduction as the petitioner has worked till her

superannuation on 31/01/2017. She has earned her wages for the work performed and hence that amount cannot be recovered from her. Even if the proposed punishment of compulsory retirement is sustained, the petitioner would not lose her retiral benefits. It is informed that the earlier punishment of stoppage of one increment has been implemented and the petitioner was deprived of the said increment till her superannuation.

3. *I find that the pending litigation between the parties is practically rendered of an academic interest. Learned Advocate for the petitioner submits on instructions obtained from her in this Court, that the petitioner would give up the one increment stopped and is agreeable to bring this litigation to an end.*
4. *Learned Advocate for the respondent/ Zilla Parishad prays for some time to take instructions in view of the above statement.*
5. *Stand over to 05/07/2018 for "passing orders".*

2 The learned Advocate for Respondent No.1/ Zilla Parishad submits, on instructions, that the suggestion made by the Petitioner that the punishment of stoppage of one increment would be acceptable to her, is accepted and this petition can be disposed of by sustaining the said punishment.

3 Considering the above, this Writ Petition is disposed of by sustaining the punishment of stoppage of one increment awarded to the Petitioner. The impugned orders merge into this order.

4 In the light of the above, Respondent No.1/ Zilla Parishad shall forthwith forward the proposal of the Petitioner for grant of pensionary and retiral benefits, if not already paid, after calculating her

last drawn salary in view of the stoppage of one increment. Such proposal shall be forwarded to the Competent Authority within SIX WEEKS from today and the Competent Authority shall thereafter, decide the said proposal for grant of pensionary and retiral benefits within FOUR WEEKS keeping in view that the Petitioner is already granted the provisional pension under the rules.

5 At this stage, the learned Advocate for the Petitioner submits that Complaint (ULP) No.44/2006 pending before the Labour Court at Ahmednagar can be disposed of.

6 The said request is accepted. The concerned Labour Court shall proceed to dispose of the said complaint as being infructuous.

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(RAVINDRA V. GHUGE, J.)