

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

WRIT PETITION NO. 10188 OF 2017

Sudhir Dattatray Joshi and others .. Petitioners

Versus

The Additional Divisional Commissioner,
Divisional Commissioner Office Aurangabad
and others .. Respondents

Shri. M. K. Bhosle, Advocate for Petitioners.

Shri. S. G. Karlekar, A.G.P. for Respondent No. 1.

Shri. Avinash D. Aghav, Advocate for Respondent No. 2 to 6.

**CORAM : S.V. GANGAPURWALA AND
SUNIL K. KOTWAL, JJ.**

DATED : 04th June, 2018

PER COURT:

. The petitioners assail the order of the Additional Commissioner dismissing the appeal and confirming the order passed by the C.E.O., thereby imposing punishment of stoppage of two yearly increments temporarily.

2. We have heard learned counsel for the petitioners and the learned counsel for the Zilla Parishad.

3. It has been pointed out that the Commissioner in a case of similarly situated employee has allowed the appeal and set aside the order of the C.E.O. The petitioners are similarly situated. The same order is passed against one Mr. S.B. Lokhande, who has been exonerated by the Commissioner in appeal.

4. The only allegation is that the petitioners have prepared cheque of Rs. 30,000/- in the name of the proposed vendor without getting the material. The explanation is given by the petitioners to the effect that quotations were called, the one who had given the lowest quotation in his name the cheque was prepared. The same was to be paid only after receipt of the material.

5. It is not disputed that the petitioner has not handed over the cheque to the proposed supplier, only the cheque was prepared. Subsequently it appears that the said order is canceled. No loss has been caused to the department nor the petitioners had parted with the cheque to the proposed supplier. It is the fact that quotation were called, the

comparative chart was prepared and even the supply order was issued and thereafter the cheque was prepared, however, was not handed over to the supplier.

6. Considering all the aforesaid conspectus of the matter, so also, the similarly situated employee has already been exonerated by the Commissioner, the impugned orders are quashed and set aside. The writ petition accordingly allowed. No costs.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]