

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

WRIT PETITION NO. 8902 OF 2017

**DILIP PUNDALIK SONAWANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WITH
WRIT PETITION NO. 8910 OF 2017**

**SATTARSING CHAMPALAL BARELA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WITH
WRIT PETITION NO. 8911 OF 2017**

**SHOBHANA BALAJI PAGARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WITH
WRIT PETITION NO. 8912/2017**

**RAVINDRA VINAYAK PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WITH
WRIT PETITION NO.8918 OF 2017**

**SANJAY RATAN PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WITH
WRIT PETITION NO. 8919 OF 2017**

**WANDANA RAMBHAU PATIL
VERSUS**

THE STATE OF MAHARASHTRA AND OTHERS

**WITH
WRIT PETITION NO. 8920 OF 2017**

MANGALATAI VIKRAM PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

**WITH
WRIT PETITION NO.8921 OF 2017**

PRAKASH VIKRAM NIKAM
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

**WITH
WRIT PETITION NO.8922 OF 2017**

UKHA SHYAMRAO WAGH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the Petitioners : Shri S. B. Sontakke
AGP for Respondent Nos. 1 and 3 : Shri S. R. Yadav
Advocate for Respondent No.2 : Shri M. S. Sonawane

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 06th DECEMBER, 2018.

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PER COURT :

1. I have heard the learned Advocates for the petitioners, the respondents and the learned AGP on behalf of the State.

2. It is pointed out that in identical set of facts, this Court has dealt with *Writ Petition No.7871/2017 (Jayprakash Sahebrao Suryawanshi vs. The State of Maharashtra and others)* and a group of 184 writ petitions decided on 26.07.2018. It is, therefore, submitted that as all these cases being identical to the cases referred to in paragraphs 15 and 16 of the said order dated 26.07.2018, same observations can be made applicable to these petitions and the petitioners are agreeable to suffer the punishment of stoppage of one increment for one year, simplicitor.

3. The learned Advocate for the Petitioners submits that one Petitioner namely Shobhana Balaji Pagare, WP No. 8911/2017 has retired from service. The amounts have been deducted from the salary/retiral benefits of this petitioner by treating the punishment to be stoppage of one increment with cumulative effect for one year. In identical set of facts, this Court has then passed the order on 09.08.2018 in *Civil Application No. 9896/2018 (Panchashila Tarachand Wagh vs. The State of Maharashtra and others)* along with other Civil Applications, thereby, directing the Zilla Parishad to

return the excess amounts within six weeks.

4. The learned Advocate for the Respondent/Zilla Parishad submits that he would not make any submission against the order of this Court dated 26.07.2018, which covers these petitions in view of the observations set out in paragraphs 15 and 16. However, he is instructed to oppose any request for refunding of amounts since this petitioner had given an undertaking that he would not approach any court for challenging the punishment imposed on him.

5. I do not find that the said submission of the learned Advocate for the Zilla Parishad could be accepted as no citizen of this country can be precluded, on the strength of an undertaking which is invariably tendered under duress and coercion, from approaching any court. As such, the directions issued by this Court vide order dated 09.08.2018 would squarely be applicable to this petitioner as well.

6. In view of the above, these writ petitions are partly allowed as under :

(a) The impugned order is converted into the order of punishment in the nature of stoppage of one increment for one year, simplicitor.

(b) Since the Petitioner Shobhana has retired from service and her pensionary / retiral benefits have been calculated by virtue of the order of punishment, which is now modified, that the Respondent / Zilla Parishad would now re-calculate her retiral / pensionary benefits and take effective steps to process the papers within TWELVE WEEKS from today.

(c) Consequentially, the Respondent / Zilla Parishad shall calculate the amounts, which are to be recovered towards the fulfillment of the above stated punishment and shall refund the excess amounts to this Petitioner Shobhana, within EIGHT WEEKS from today.

(d) Save and except the direction at Clause 6(a) in these petitions, the remaining directions at Clauses (b) and (c) shall apply only to the case of Shobhana.

(RAVINDRA V. GHUGE, J.)

shp/-