

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

WRIT PETITION NO. 7902 OF 2017
WITH
CIVIL APPLICATION NO.9896 OF 2018
IN
WRIT PETITION NO.7902 OF 2017

PANCHASHILA TARACHAND WAGH.
-VERSUS-
THE STATE OF MAHARASHTRA AND OTHERS

WITH
WRIT PETITION NO.11334 OF 2017
WITH
CIVIL APPLICATION NO.9894 OF 2018
IN
WRIT PETITION NO.11334 OF 2017

ANANDA VIKRAM BAVISKAR
-VERSUS-
THE STATE OF MAHARASHTRA AND OTHERS.

WITH
WRIT PETITION NO.12053 OF 2017
WITH
CIVIL APPLICATION NO.9892 OF 2018
IN
WRIT PETITION NO.12053 OF 2017

PATANGRAO VANA PATIL
-VERSUS-
THE STATE OF MAHARASHTRA AND OTHERS.

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Shri Shailesh P. Brahme, Advocate for the Petitioners/ Applicants.
Shri B.A.Shinde, AGP, for Respondent Nos.1 and 3.
Shri N.S.Chaudhary, Advocate for Respondent No.2.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 09th August, 2018

Per Court:

1 I have heard the learned Advocates for the respective sides.

2 These Petitioners have preferred the Civil Applications being aggrieved by the excess recovery carried out by Respondent No.2/ Zilla Parishad pursuant to the orders impugned in these three Writ Petitions.

3 The judgment of this Court dated 26.07.2018 with relation to *Writ Petition Nos.7866/2017 till 7922/2017 (Madhukar Shama Kedar vs. State of Maharashtra and others)* (identical group represented by the learned Advocate Shri Brahme) is squarely applicable to these cases to the extent of the impugned orders of punishments.

4 As such, the learned Advocate for the Petitioners submits, on instructions, that the said judgment dated 26.07.2018 can be made applicable to these three Petitioners to the extent of the view taken by this Court in the said group of petitions.

5 Considering the above, these three Writ Petitions are partly allowed for the reasons recorded in the above referred judgment dated 26.07.2018 and the impugned orders of punishments would stand modified by substituting it with the punishment of stoppage of one increment for one year, simplicitor.

6 The learned Advocate appearing on behalf of the Respondent/ Zilla Parishad has rendered proper assistance to this Court by placing on record the calculations as regards the actual amounts towards the stoppage of one increment for one year as per the order of this Court recorded above. He has also placed on record the amounts actually recovered, which are manifold times more than the amounts that are required to be recovered pursuant to the above order.

7 The compilation of documents along with the covering letter dated 06.08.2018 (pages 1 to 13) tendered by the learned Advocate for the Respondent/ Zilla Parishad is taken on record and collectively marked as "X" for identification.

8 Considering the above, these three Civil Applications are allowed in the following terms :-

- (a) The orders dated 02.05.2018, 04.06.2018 and 02.05.2018 respectively, impugned in these Civil Applications, are, therefore, set aside.
- (b) The Respondent/ Zilla Parishad would be at liberty to retain an amount of Rs.14,520/- in the case of Patangrao Vana Patil, Rs.15,744/- in the case of Ananda Vikram Baviskar and Rs.14,760/- in the case of Panchashila Tarachand Wagh.
- (c) The excess amounts recovered by the Zilla Parishad shall be returned to these three Applicants within SIX WEEKS from

today.

- (d) Since the above stated three Applicants have now attained the age of superannuation, their retiral benefits as well as pensionary benefits will have to be recalculated in view of the punishment of stoppage of one annual increment for one year simplicitor.
- (e) The above stated exercise shall be completed by the Respondent/ Zilla Parishad within EIGHT WEEKS from today and the retiral and pensionary benefits shall be made available to these Applicants.

kps

(RAVINDRA V. GHUGE, J.)