IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10125 OF 2018

Rajendra Laxman Yewale
VERSUS
The State Of Maharashtra And Others
***

WITH
WRIT PETITION NO.10126 OF 2018

Gautam Tukaram Adakmol
VERSUS
The State Of Maharashtra And Others
***

WITH
WRIT PETITION NO.10127 OF 2018

Prakash Vitthal Salunkhe
VERSUS
The State Of Maharashtra And Others
***

WITH
WRIT PETITION NO.10128 OF 2018

Jagannath Fulchand Chavhan
VERSUS
The State Of Maharashtra And Others
***

WITH
WRIT PETITION NO.10129 OF 2018

Rohidas Kewal Pardhi
VERSUS
The State Of Maharashtra And Others
***

WITH
WRIT PETITION NO.10130 OF 2018

Sushma Ramesh Attarde alias Sunanda Vitthal Barhate
VERSUS
The State Of Maharashtra And Others
***

WITH
WRIT PETITION NO.10131 OF 2018

Alka Sudhakar Patil
VERSUS
The State Of Maharashtra And Others
***

WITH
WRIT PETITION NO.10132 OF 2018

Ramesh Nago Attarde
VERSUS
The State Of Maharashtra And Others
***

WITH
WRIT PETITION NO.10133 OF 2018

Pandit Digambar Dhande
VERSUS
The State Of Maharashtra And Others
***

WITH
WRIT PETITION NO.10243 OF 2018
(*Not on the Board. Mentioned.*)

Prakash Punda Patil
VERSUS
The State Of Maharashtra And Others
***

...
Advocate for the Petitioners : Shri Bolkar Yogesh B.
AGP for Respondents 1 and 2/ State : Shri B.A.Shinde.

Advocate for Respondents 3 and 4/ Zilla Parishad : Shri M.S.Sonawane.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 06th September, 2018

Per Court:

1 I have heard the learned Advocates for the litigating sides and the learned AGP.

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 are identical to the cases referred to in paragraphs 15 and 16 of the 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 then submits that out of these Petitioners, only one Petitioner, namely, Sushma Ramesh Attarde alias Sunanda Vitthal Barhate in Writ Petition No.10130/2018 is in service and rest of the Petitioners have retired from service. The amounts have been deducted from the salary / retiral benefits of all these Petitioners 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 these Petitioners had given an undertaking that they would not approach any court for challenging the punishment imposed on them.

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 these Petitioners as well.

6 In view of the above, these Writ Petitions are partly allowed as under :-

(a) The impugned orders are converted into the order of punishment in the nature of stoppage of one increment for

one year, simplicitor.

(b) 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 each of these Petitioners, within EIGHT WEEKS from today.

(c) Since nine out of these ten Petitioners, barring the Petitioner in Writ Petition No.10130/2018, have retired from service and their 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 their retiral / pensionary benefits and take effective steps to process the papers within TWELVE WEEKS from today.

kps (**RAVINDRA V. GHUGE, J.**)

Kalyan Prakash Sangvikar

Digitally signed by Kalyan Prakash Sangvikar
Date: 2018.09.10 11:41:37 +0530