

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

WRIT PETITION NO.:11145 OF 2018

Kashinath Rama Shimpi

VERSUS

The State Of Maharashtra And Others

WITH

WRIT PETITION NO.:11146 OF 2018

Suresh Babusing Raul

VERSUS

The State Of Maharashtra And Others

WITH

WRIT PETITION NO.:11147 OF 2018

Shantaram Keshav Patil

VERSUS

The State Of Maharashtra And Others

WITH

WRIT PETITION NO.:11148 OF 2018

Kanhiram Budha Pardeshi

VERSUS

The State Of Maharashtra And Others

WITH

WRIT PETITION NO.:11149 OF 2018

Ukhardu Deochand Kakade

VERSUS

The State Of Maharashtra And Others

WITH

WRIT PETITION NO.:11150 OF 2018

Balu Mahadu Gosavi

VERSUS

The State Of Maharashtra And Others

WITH

WRIT PETITION NO.:11151 OF 2018

Shivpati Vinayak Wagh Deceased Lrs Babita Shivpati Wagh

VERSUS

The State Of Maharashtra And Others

WITH

WRIT PETITION NO.:11152 OF 2018

Sharadsing Jaysing Patil

VERSUS

The State Of Maharashtra And Others

WITH

WRIT PETITION NO.:11153 OF 2018

Satish Laxman Todkar

VERSUS

The State Of Maharashtra And Others

WITH

912 WRIT PETITION NO. 11170 OF 2018

DIGAMBAR KHEMCHAND VARCHHE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the Petitioners : Shri Bolkar Yogesh B.

AGP for Respondents 1 and 2 : Shri P.N.Kutti.

Advocate for Respondents 3 and 4 : Shri Mahesh S. Sonawane.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 06th October, 2018

Per Court:

1 The learned Advocates appearing for the respective sides in these petitions submit that this Court has delivered an order on 06.09.2018 in a group of writ petitions bearing Nos.10125/2016 to 10133/2018 and 10243/2018 in the matter of ***Rajendra Laxman Yewale and others vs. State of Maharashtra and others***. Since these petitions are also based on an identical set of facts, same order could be passed, except in Writ Petition No.11170/2018 filed by Digambar Khemchand Varchhe. It is also stated that one Petitioner, namely, Babita wd/o Shivpati Wagh has filed Writ Petition No.11151/2018 challenging the order of the Chief Executive Officer and the order of recovery, directly in this Court without approaching the Additional Divisional Commissioner.

2 In view of the above, all these Writ Petitions are partly allowed with the following directions :-

- (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.11170/20108, 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.
- (d) In Writ Petition No.11170/2018, the Petitioner/Digambar Khemchand Varchhe is still in employment. Hence, the authorities shall re-calculate the amounts in view of clauses (a) and (b) mentioned above and pass a fresh order.
- (e) Insofar as Writ Petition No.11151/2018 (Shivpati Wagh through L.Rs. Babita Shivpati Wagh vs. State of Maharashtra and others) is concerned, her case is considered by this Court keeping in view that she is a widow and can not be made to run from pillar to post. Consequentially, as her husband Shivpati Wagh has passed away, the directions in clauses (a), (b) and (c) as above, would be applicable to her case as well. The impugned order in her petition to the extent of recovery

is set aside and with the modification of the order in relation to her deceased husband Shivpati, the Respondent/ Zilla Parishad would recalculate the amounts and accordingly, ensure that the retiral and pensionary benefits would be released within TWELVE WEEKS from today.

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(RAVINDRA V. GHUGE, J.)

Kalyan
Prakash
Sangvikar

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