

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

33 WRIT PETITION NO. 5012 OF 2017

SYED HAMEED ALI SYED VAZEER ALI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Kokad Amol A And Mr. Mukund
Ambekar

AGP for Respondent Nos 1 & 2 : Mr. A.V.Deshmukh

Advocate for Respondent Nos 3 & 4 : Mr. A.D.Wange

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

DATE : JULY 11, 2018

O R D E R :

We have heard learned counsel for the petitioner and the learned counsel for respondents.

2. The petitioner assails the order of second appellate authority thereby imposing minor punishment of reducing the basic pay by two stages permanently. Earlier, the petitioner was dismissed from service. This Court in Writ Petition No. 7180 of 2011 under order, dated 20.8.2015 set aside the said order and directed the employer/disciplinary authority to impose the punishment other than dismissal. Pursuant thereto, the punishment has been imposed of reducing basic pay by two stages. The guilt of the petitioner is already proved and was so held in the earlier Writ Petition filed by

the petitioner.

3. In view of that, the order passed by the respondents now needs no interference. Certainly, as the order of dismissal is set aside, the petitioner would be entitled for retiral benefits after considering the order of disciplinary authority and passed by the second appellate authority. According to the respondents, the petitioner has been paid the retiral benefits. The petitioner does not dispute the amount paid to him, however, says that same is not correctly calculated by the respondents. In that case, the petitioner may make a detailed representation to the respondents giving the calculations. Respondent no.3 shall get it verified through its account department or from such other competent department and take decision upon the representation of the petitioner within a period of three months from the date of receipt of the representation and upon the decision being taken, if some amount is found due and payable to the petitioner, then same shall be paid accordingly.

4. Writ Petition is disposed of. No costs.

[**SUNIL K.KOTWAL, J.**] [**S.V.GANGAPURWALA, J.**]

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