

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

7 WRIT PETITION NO. 4669 OF 2019

SUMAN SUKDEO BODADE .. Petitioner
VERSUS
 THE STATE OF MAHARASHTRA AND OTHERS ..Respondents

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WITH

WRIT PETITION NO.4670 OF 2019

ASHOK SHRAVAN MARSALE .. Petitioner
VERSUS
 THE STATE OF MAHARASHTRA & ORS ..Respondents

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Advocate for Petitioners : Shri Y.B. Bolkar
 AGP for Respondent – State : Shri K.S. Patil
 Advocate for Respondents No.3 & 4 : Shri M.S. Sonwane

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CORAM : P.R. BORA, J.

Dated: April 12, 2019

PER COURT :-

1. When the present writ petitions are taken up for hearing, the learned Counsel appearing for the parties jointly brought to my notice the common order passed by this Court in the bunch of Writ Petition No.10125 of 2018 with the connected writ petitions on 06.09.2018. The learned Counsel submitted that, similar action was initiated by Zilla Parishad against around 200 Head Masters of the different schools and the punishment was imposed upon each of them of withholding

their 2 increments with cumulative effect. The learned Counsel further submitted that, in common judgment and order passed by this Court in Writ Petition No.10125 of 2018 with connected writ petitions, this Court has modified the order of punishment. The learned Counsel submitted that, the present writ petitions can be disposed of by passing the similar order. The learned Counsel further pointed out that, the petitioners in both the writ petitions have already superannuated.

2. In view of the submissions made and after having gone through the order passed by this Court in Writ Petition No.10125 of 2018, I deem it appropriate to dispose of the present petitions for the reasons recorded in the aforesaid writ petitions by this Court, with the following order.

ORDER

(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 both the petitioners have retired from service and their pensionary / retiral benefits have been calculated by virtue of the order of punishment, which is now modified, the Zilla Parishad would now recalculate their pensionary / retiral benefits and take effective steps to process the papers within TWELVE WEEKS from the date of this order.

3. Both the writ petitions stand partly allowed in the aforesaid terms.

(P.R. BORA, J.)

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