

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

944 WRIT PETITION NO.9273 OF 2019

WALMIK EKNATH PATIL
VERSUS
THE STATE OF MAHRASHTRA THROUGH PRINCIPAL SECRETARY AND
OTHERS

AND

945 WRIT PETITION NO.9274 OF 2019

GANPAT CHINTAMAN JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners: Mr. Bolkar Yogesh B.
AGP for Respondents No.1 & 2:Mr. N.T. Bhagat
Advocate for Respondents No.3 & 4 :Mr. M.S. Sonawane
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CORAM : **RAVINDRA V. GHUGE, J.**

Date: July 26, 2019

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PER COURT :-

1 The learned Advocate for the petitioners submits that, both these identically placed petitioners are covered by the order of this Court dated 29.10.2018, passed in Writ Petition No.12086/2018, 12101/2018 and 12102/2018 in the matters of Prakash Shravan Bhil and others versus State of Maharashtra and others.

2 He further points 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, both these Petitioners, namely Walmik Eknath Patil (Writ Petition No.9273/2019) and Ganpat Chintaman Jadhav (Writ Petition No.9274/2019) are in service.

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. This argument is unsustainable.

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

(a) The impugned orders are converted into an 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.

(RAVINDRA V. GHUGE, J)

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