

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

908 WRIT PETITION NO.10117 OF 2019

BHASKAR VIKRAM NIKAM
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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909 WRIT PETITION NO.10118 OF 2019

UDAY DATTTATRAY PATHAK
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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910 WRIT PETITION NO.10119 OF 2019

DIGAMBAR NILKANTH GOSAVI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

911 WRIT PETITION NO.10127 OF 2019

DATTATRAYA RATAN PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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912 WRIT PETITION NO.10128 OF 2019

RAMRAO DAULAT MALI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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913 WRIT PETITION NO.10129 OF 2019

TOTARAM SITARAM CHAVHAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

....

Advocate for Petitioner : Mr. Bolkar Yogesh B.
Advocate for respondent Nos.3 & 4: Mr. M.S.Sonawane
AGPs for Respondent-State: Mr. S.R. Yadav, Mr. N.T. Bhagat,
Mr.S.P. Tiwari

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CORAM : **RAVINDRA V. GHUGE, J.**

Date: August 14th, 2019

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PER COURT :-

1 The learned advocate for the petitioners, submits that these petitions are identical to the petitions decided by this Court pertaining to the uniform irregularities. This Court has decided about 250 petitions and has converted the punishment of stoppage of one increment with cumulative effect, into the punishment of stoppage of one increment, temporarily for one year. It is further submitted that, all these petitioners have retired from service, with the respective Zilla Parishads and all of them are, therefore, similarly situated. They would be covered by the order dated 6.9.2018, passed by this Court in Writ petition Nos.10125-10133 & 10243 of 2018. Copy of the said order is placed at page No.21 in these petitions.

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 earlier cases referred to in the order dated 06.09.2018, 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, all these Petitioners have retired from service. The amounts have been deducted from the salary/retiral benefits of all these petitions, 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 an order on 9.8.2018 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 amount 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 06.09.2018, which covers these petitions. 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 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 all these petitioners 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.

(RAVINDRA V. GHUGE, J)