

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10599 OF 2019

SANJAY YUVRAJ VAIDYA THROUGH LRS VARSHA SANJAY VAIDYA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.Y.B.Bolkar, Advocate for the petitioner.

Mr.S.W.Munde, AGP for respondent Nos. 1 and 2.

Mr.M.S.Sonawane, Advocate for respondent Nos.3 and 4.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 27/08/2019

PER COURT :

1. I have heard the learned Advocates of the respective sides.

2. The learned advocate for the petitioner submits that this petition is 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, this petitioner has expired while in service, with the concerned Zilla Parishad. He 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.17 in these petitions.

3. It is submitted that in identical set of facts, this Court has dealt with WP 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. All these cases were identical. Subsequently, an order dated 06/09/2018 was also passed in similar matters. The punishment of stoppage of one increment with cumulative effect was reduced to stoppage of one increment for one year simplicitor.

4. The deceased employee Sanjay Yuvraj Vaidya has passed away on 26/03/2018. The LR's are before this Court. An identical order passed in the cases of those employees who have suffered the punishment of stoppage of one increment with cumulative effect, could also be passed in this case reducing the punishment to stoppage of one increment simplicitor for one year and the amounts can be recalculated as the employee has passed away.

5. The learned Advocate for the respondent Nos. 3 and 4/Zilla Parishad submits that the facts narrated by the petitioner are

correct. However, the respondents desire to oppose the request of refunding the amount to the LR's of the deceased as the deceased had given an undertaking that he would not approach any Court for challenging the punishment imposed on him.

6. In view of the above, this petition is partly allowed with the following directions :-

[a] The impugned order of punishment is converted in the order of punishment of stoppage of one increment for one year, simplicitor.

[b] Consequentially, the respondent/Zilla Parishad shall calculate the amounts, which are to be recovered pursuant to the above stated punishment and shall refund the excess amounts to the widow within 8 (eight) weeks from today.

[c] Since the employee has passed away, his pensionary/retiral benefits shall be re-calculated by virtue of the modified order of punishment by the respondent/Zilla Parishad and take effective steps to process the papers within 12(twelve) weeks from today.

(Ravindra V.Ghuge, J.)