

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

WRIT PETITION NO. 3863 OF 2019

Mohit Abhiman Mali

.. Petitioner

Versus

The Chief Conservator of Forest
Regional Dhule and others

.. Respondents

Shri Chetan V. Bhadane, Advocate for the Petitioner.
Shri S. K. Tambe, A.G.P. for all Respondents.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 20TH MARCH, 2019.

FINAL ORDER :

. The petitioner was appointed as a watchman on 02nd January, 2013. Departmental enquiry was initiated against the petitioner for six charges. The enquiry officer concluded that, three charges are proved. The disciplinary authority imposed punishment of stoppage of one increment for three years and treating the suspension period as such. Aggrieved thereby the petitioner filed appeal. The appeal filed by the petitioner is also dismissed. The petitioner approached the Maharashtra Administrative Tribunal by filing Original Application No. 628 of 2017. The original application is also dismissed. The petitioner has assailed the said orders in the present writ petition.

2. Mr. Bhadane, the learned advocate for the petitioner strenuously contends that, the charge No. 6 cannot be said to be proved. The petitioner was on patrolling duty, as such it cannot be said that the petitioner was absent from duty. As far as other charges are concerned, the learned counsel submits that, the petitioner had given an application for leave. However, the same is also not considered. The enquiry officer recommended minor punishment of stoppage of one increment for two years, but the disciplinary authority imposed punishment erroneously on assumption that all the charges are proved, when in fact, that is not the case. The learned counsel further submits that, the punishment imposed is disproportionate to the charges leveled and proved. The learned advocate further submits that, the evidence has not been properly evaluated by the enquiry officer and the discrepancies in the evidence are not taken into consideration.

3. We have also heard the learned Assistant Government Pleader for respondents.

4. As per enquiry report, three charges are proved that is the petitioner did not remain present on 26.01.2014 for flag hoisting. The petitioner did not behave properly with the seniors and the petitioner on 14.03.2015 was entrusted with the duty as a watchman to safeguard the Government property wherein the

goods worth Rs. 57 Lacs were stored in the said room, the petitioner left the said building at 11.00 in night and did not return. It was hardly two years the petitioner was employed and at the start of his career, he behaved in such a irresponsible manner. The petitioner also did not produce the patrolling book and other evidence to show that he was really patrolling. It has been observed that the petitioner did not report to the duty throughout the night. The sandal wood worth Rs. 57 Lacs was stored in the said room. The petitioner was irresponsible.

5. Considering the charges leveled against the petitioner, the punishment imposed does not appear to be disproportionate one. There is no error committed by the Tribunal while passing the impugned order. The writ petition as such is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb / March 19