

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.144 OF 2018

Ramesh Amber Tayade,
age: 66 years, Occ: Retired,
R/o Pimpri (Kh), Tq.Dharangaon,
District Jalgaon.

Petitioner

Versus

01 The State of Maharashtra,
through its Principal Secretary,
Rural Development Department,
Mantralaya, Mumbai-32.

02 The Additional Commissioner,
Nashik Division, Nashik.

03 The Chief Executive Officer,
Zilla Parishad, Jalgaon,
District Jalgaon.

Respondents

Mr.V.P.Patil, advocate for the petitioner.
Mr.S.W.Munde, AGP for Respondents No.1 & 2.
Mr.M.K.Goyanka, advocate for Respondent No.3.

CORAM : ROHIT B.DEO, J.

DATE : 06/01/2020

PER COURT :

1 Rule. Rule made returnable forthwith and heard finally
by consent of learned Counsel for respective parties.

2 The petitioner was serving as Head Master at the Zilla Parishad Primary School, Rotwad, Tq. Dharangaon. The petitioner superannuated on 31.05.2009.

3 The petitioner was issued a charge sheet, gist of which was that he issued four cheques to the contractor for civil works of the school building, after his superannuation. The explanation of the petitioner was that the post dated cheques were issued to the contractor before his superannuation. The petitioner did give some explanation to justify issuance of post dated cheques.

4 The Inquiry Officer has held that the petitioner did not have any ill-intention in issuing the post dated cheques. The only blame, which is placed at the door steps of the petitioner, is that he acted in irregular manner in issuing the post dated cheques.

5 The disciplinary authority has imposed two punishments. The first punishment is, recovery of Rs.99,600/- from the petitioner and the second punishment is, reduction of pension by Rs.200/- per month for 48 months. The appeal preferred by the petitioner is dismissed.

6 Insofar as the second punishment, which is imposed for the irregular conduct of issuing post dated cheques, I am not inclined to interfere in writ jurisdiction. The reduction of pension by Rs.200/- per month for 48 months, is maintained.

7 However, the first punishment is devoid of any rationale. It was not even a charge that the petitioner misappropriated any amount. Indeed, a finding is recorded by the Inquiry Officer that the petitioner did not have any ill-intention in issuing the post dated cheques. It is not even the case of the Zilla Parishad that any loss is caused to the Zilla Parishad or that the cheques were issued to the contractor who encashed the same, although the amount was not payable by the Zilla Parishad to the contractor. The first punishment is, therefore, illogical and arbitrary and cannot be sustained.

8 The order of punishment, impugned herein, is partially quashed. The First punishment, which directs recovery of Rs.99,600/- is quashed. If any amount is recovered from the petitioner towards the said recovery of Rs.99,600/-, the recovered amount be refunded to the petitioner within three months, failing which, interest @ 15% p.a. shall be payable on the said amount.

9 The second punishment, which is reduction of pension by Rs.200/- per month for 48 months, is not interfered with.

10 Rule is made absolute in the aforestated terms.

(ROHIT B.DEO)
JUDGE

adb