

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

WRIT PETITION NO. 3816 OF 2022

Prakash Babarao Pawar

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. U. B. Deshmukh, Advocate for the Petitioner.

Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 3, and 6.

Mr. Ashish B. Shinde, Advocate for Respondent No. 5.

**CORAM : R. D. DHANUKA &
 S. G. MEHARE, JJ.**

DATED : 28th MARCH 2022.

PER COURT:-

. Leave to amend is granted to the petitioner to replace the document annexed at Exhibit – C which is erroneously annexed by notice dated 14.03.2022 addressed to the correct authority. The amendment to be carried out during the course of the day.

2. By this petition filed under Article 226 of the Constitution of India, the petitioner prays for a writ of certiorari or any other writ, order or directions in the like nature for quashing and setting aside the impugned preliminary enquiry report dated 21.02.2022 holding therein that, petitioner has committed irregularities in discharging his duties during his service as a Gramsevak and impugned letter dated

14.03.2022 issued by respondent No. 5. By show cause notice dated 14.03.2022, the petitioner has been asked to deposit an amount of Rs. 3,16,704/- determined in preliminary enquiry within fifteen days and threatening to take action in case of any default, under the provisions of the Government Resolution dated 04.01.2017 against the petitioner.

3. The learned counsel for the petitioner submits that no amount could have been directed to be paid by the authorities adjudicated in the preliminary enquiry.

4. The learned counsel for the respondents invited our attention to the Government Resolution dated 04.01.2017 and would submit that authorities are permitted to direct the petitioner to deposit the amount determined even at the preliminary enquiry stage.

5. At this stage, learned counsel for the petitioner states that the amount be deposited by his client in two installments. The amount will be deposited without prejudice to the rights and contentions of the petitioner. Statement is accepted.

6. The petitioner is directed to pay 50% of the amount directed to be deposited in the show cause notice in question within a period of two weeks from today. The remaining 50% amount shall be deposited within a period of two weeks thereafter.

7. In view of the statement made by the learned counsel for the petitioner, no coercive steps shall be taken against the petitioner for a period of four weeks from today. It is made clear that, the amount that would be deposited by the petitioner would be subject to the outcome of the final enquiry.

8. Writ petition is disposed of in aforesaid terms. No order as to costs.

9. It is made clear that, this Court has not expressed any views on the merits of the matter. All contentions of both the parties are kept open.

(S. G. MEHARE)
JUDGE

(R. D. DHANUKA)
JUDGE

PS.B.