

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

WRIT PETITION NO.325 OF 2022

PRASHANT DAMODHAR CHAUDHARI

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. S. K. Mathpati, Advocate for the Petitioner.

Mr. S. P. Tiwari, AGP for Respondents-State.

...

**CORAM : S. V. GANGAPURWALA &
S. G. DIGE, JJ.**

DATED : 10th JANUARY, 2022.

PER COURT:-

1. Heard Mr. Mathpati, learned counsel for the petitioner.

2. According to the learned counsel for the petitioner, earlier decision was already taken regarding the suspension period. The same was to be treated as extraordinary leave. The petitioner challenged the said order before the Commissioner. The Commissioner allowed the Appeal of the petitioner. Subsequently, again order is passed on 15.04.2021 thereby, withholding two annual increments without affecting the increment in the salary. According to the learned counsel, earlier proceedings were already taken to its logical end. The respondents could not have again passed contrary order.

3. It appears that, subsequent order is pursuant to the departmental enquiry. The earlier order was passed on the basis of acquittal in the criminal case and the same was only with regard to the suspension period.

4. As the punishment has been imposed upon the petitioner pursuant to the departmental enquiry, the petitioner has remedy of Appeal before the Divisional Commissioner under Rule 13, 14 of the Maharashtra Zilla Parishad District Services (Discipline & Appeal) Rule, 1964. The petitioner may avail the said remedy.

5. In that event, all contentions are kept open.

6. Writ Petition is disposed of. No costs.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE