

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

934 WRIT PETITION NO.981 OF 2022

SANGEETA MANIK JADHAV
VERSUS
THE ADDITIONAL DIVISIONAL COMMISSIONER AND OTHERS

...

Advocate for Petitioner : Mr. Kedar Shrimant R
AGP for Respondent State: Mr. S. R. Yadav-Lonikar
Advocate for Respondents 2 & 3 : Mr. P. D. Suryawanshi

CORAM : RAVINDRA V. GHUGE, J.

DATE : 11th March, 2022

ORDER:

1. By this petition, the petitioner has put forth prayer clause B, which reads as under:

"(B) By quashing and setting aside the impugned judgment and order dated 03.05.2021 passed by the respondent no.1 and the order imposing penalty of stoppage of one increment permanently by the respondent no.2, and for that purpose may kindly be issue necessary orders."

2. I have considered the strenuous submissions of the learned Advocates for the petitioner, respondent nos. 2 and 3 and the learned A.G.P. on behalf of respondent No.1.

3. It is undisputed that the punishment awarded to the petitioner is stoppage of one increment with permanent effect. The Hon'ble Apex Court has held in Kulwant Singh Gill vs State Of Punjab, 1990 SCR,

Supl. (1) 426 that the stoppage of one increment permanently which would have cumulative effect on the future earnings of the employees, amounts to a major punishment which cannot be awarded without conducting a departmental enquiry. It is an admitted position that departmental enquiry in the present case has not been conducted.

4. In view of above, this petition is allowed.

The impugned order dated 03.05.2021 passed by the Additional Divisional Commissioner, Aurangabad is quashed and set aside.

5. The impugned order dated 19.12.2018 to the extent of imposition of punishment is set aside with liberty to the Zilla Parishad Employer to follow the due procedure laid down in law, for conducting departmental enquiry against the petitioner.

6. All contentions of the parties are kept open.

(RAVINDRA V. GHUGE, J.)

JPC