

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

**917 WRIT PETITION NO. 13242 OF 2021
WITH
CIVIL APPLICATION NO.1171 OF 2022
IN WP/13242/2021**

**SUMANBAI PIRAJI DESHMUKH AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS**

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Advocate for Petitioner : Mr. P.V. Mandlik Senior Advocate i/b
Mr.U.B. Deshmukh

AGP for Respondent Nos. 1 to 3 & 6 : Mr. S.G. Sangle

Advocate for Respondent Nos. 4 & 5 : Mr. A.B. Shinde

Advocate for Respondent Nos. 4 & 5 : Mr. S.B. Pulkundwar

Advocate for Respondent No. 7 : Mr. P.S. Dighe h/f
Mr. V.R. Dhorde

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**CORAM : RAVINDRA V. GHUGE &
S.G.DIGE, JJ.**

DATE : 29.04.2022

P.C. :

1. We have perused the earlier order passed by this Court
on 02-12-2021, which reads thus:-

*“1. Mr. Deshmukh, learned counsel for the
petitioners submits that on the basis of the
preliminary Enquiry liability is sought to be
fixed upon the petitioners. On the basis of the
Preliminary enquiry the liability cannot be
fixed.*

2. Issue notice to the respondents, returnable on 03-02-2022. The learned A.G.P. waives service of notice for respondents No.1 to 3 and 6. Mr. Pulkundwar, learned counsel waives service of notice for Respondents No. 4 and 5.

3. Hamdust allowed.

4. The petitioner No.1 shall deposit an amount of Rs. 2,00,000/- (Rs. Two lacs only) and the petitioner No.2 shall deposit an amount of Rs. 3,50,000/- (Rs. Three lacs Fifty Thousand only) within a period of six (06) weeks from today.

5. If the amount as directed is deposited, then the respondents may not take further steps against the petitioners pursuant to the impugned communication.

6. In case the petitioners do not deposit the amount as directed, the protection granted shall automatically stand vacated.”

2. There can be no debate that disciplinary action can be initiated on the basis of a legal enquiry. It is equally undisputed that petitioner No. 1 is a Sarpanch and there is no employer and employee relationship between her and Ratoli

Gram Panchayat Ta. Naigaon District Nanded. Petitioner No. 2 is the Village Development Officer, who is an employee of the Zilla Parishad. He can be subjected to departmental enquiry.

3. In view of the above, and since directions of this Court have been complied with, that this petition is disposed off granting liberty to the competent authorities to follow the due process of law for initiating any action against petitioner No.1 Sarpanch. Similarly, the Zilla Parishad will have to follow the due process for initiation of action against petitioner No. 2 - Village Development Officer, if not already initiated.

4. Let such action be initiated within 30 days from today by following the procedure of law, and let such action be completed as expeditiously as possible, without undue delay.

5. Needless to state, after such legal action is initiated, the respondents - authorities are at liberty to resort to such remedial action as is permissible in law.

6. In view of the above, Civil Application would not survive and stands disposed off.

7. Needless to state, the amount deposited with the village panchayat under the orders of this Court shall be subject to the result of disciplinary action and shall not be utilized for any purpose, whatsoever.

(S.G.DIGE, J.)

(RAVINDRA V. GHUGE, J.)

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