

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

WRIT PETITION NO. 3677 OF 2023

Smt. Panchshila Vithalrao Shinde
Age 40 years, Occu. Service,
R/o. C/o. Vinod Kale, Kaij,
Tal. Kaij, Dist. Beed.

....Petitioner

Versus

1. The Additional Divisional Commissioner No. 2,
Aurangabad Division, Aurangabad.
2. The Chief Executive Officer,
Zilla Parishad, Beed.

....Respondents

Mr. A.D. Aghav, Advocate for the petitioner.

Mr. K.B. Jadhavar, AGP for respondent No. 1.

Mr. P.D. Suryawanshi, Advocate for respondent No. 2.

CORAM : ARUN R. PEDNEKER, J.
DATE : 02/05/2023

JUDGMENT :

1] Rule. Rule made returnable forthwith. By consent of the parties, heard finally.

2] By way of present Writ Petition, the petitioner is challenging the impugned order passed by the respondent no.1 in Review Application No.21/2022 dated 30.06.2022 and the order dated 28.09.2021 passed in Appeal No.06/2020 as well as the order passed by the respondent no. 2 dated 04.09.2019.

3] The learned counsel for the petitioner relies upon the judgment of this Court in case of **Dyandav s/o. Santram Waghmare Vs. The State of Maharashtra** in Writ Petition No.5917 of 2021, decided on 05.04.2023 and submits that similar issue was adjudicated in the said Writ Petition.

4] This Court has held in the above judgment that for imposing the order of penalty of withholding one increment permanently, the procedure as contemplated under Rule 6 and 7 of the Maharashtra Zilla Parishads [Discipline and Appeal] Rules, 1964, has to be followed. In the instant case, the petitioner's two increments are permanently withheld and it amounts to major penalty and cannot be imposed without following the procedure under Rule 6 and 7 of the Maharashtra Zilla Parishads (Discipline and Appeal) Rules, 1964.

5] In view of the same, the impugned order passed by the respondent no.1 in Review Application No.21/2022 dated 30.06.2022 and the order dated 28.09.2021 passed in Appeal No.06/2020 as well as the order passed by the respondent no.2 dated 04.09.2019 are quashed and set aside. The respondent no. 2 – Chief Executive Officer, Zilla Parishad, Beed is at liberty to take such action against the petitioner as may be available in accordance with law. The points raised by the petitioner on merits of challenge are kept open.

6] The Writ Petition is allowed. Rule is made absolute in above terms.

[ARUN R. PEDNEKER J.]

SSC/