

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

WRIT PETITION NO. 2587 OF 2021

Shivappa s/o. Maruti Lungare,
Age 52 years, Occu. Service
as Teacher, R/o. Shivshankar Niwas,
Parijat Colony, Rajiv Gandhi Chowk,
Tq. Ambajogai, Dist. Beed.

....Petitioner

Versus

1. The State of Maharashtra
Through its Secretary,
Rural and Water Conservation
Department, Mantralaya,
Mumbai – 32.
2. The Secretary,
School and Sports Department,
Mantralaya, Mumbai – 32.
3. The Secretary,
General Administration Department,
Mantralaya, Mumbai.
4. The Divisional Commissioner,
(Revenue), Aurangabad Division,
Aurangabad.
5. The Chief Executive Officer,
Zilla Parishad, Beed.
6. The Education Officer (Primary),
Zilla Parishad, Beed.
7. The Block Development Officer,
Ambajogai, Tq. Ambajogai, Dist. Beed.

....Respondents

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WITH
WRIT PETITION NO. 2588 OF 2021

Vidya Shivjirao Padwal
Age 51 years, Occu. Service
as Teacher, R/o. Zilla Parishad
Primary School, Sangaon,
Tq. Ambajogai, Dist. Beed.

....Petitioner

Versus

1. The State of Maharashtra

Through its Secretary,
Rural and Water Conservation
Department, Mantralaya,
Mumbai – 32.

2. The Secretary,
School and Sports Department,
Mantralaya, Mumbai – 32.
3. The Secretary,
General Administration Department,
Mantralaya, Mumbai.
4. The Divisional Commissioner,
(Revenue), Aurangabad Division,
Aurangabad.
5. The Chief Executive Officer,
Zilla Parishad, Beed.
6. The Education Officer (Primary),
Zilla Parishad, Beed.
7. The Block Development Officer,
Ambajogai, Tq. Ambajogai, Dist. Beed.Respondents

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Mr. S.G. Munde, Advocate for petitioner.

Mrs. V.N. Patil, AGP for respondent Nos. 1 to 4.

Mr. P.D. Suryawanshi, Advocate for respondent No. 5 to 7

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CORAM : ARUN R. PEDNEKER, J.

DATED : 31/03/2023

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith. By consent of parties, heard finally.
2. By the present writ petitions, the petitioners challenge orders of suspension and punishment dated 19.12.2018 passed by the respondent No. 5 - Chief Executive Officer, Zilla Parishad Beed and confirmed by the respondent No. 4 - Divisional Commissioner (Revenue), Aurangabad Division, Aurangabad by order dated 17.12.2019.
3. The learned counsel relies upon the judgment passed by this Court

in Writ Petition No. 8421/2018 and other connected matters dated 9.7.2019 (Rajesh Suhadeorao Rakhonde Vs. Divisional Commissioner, Amravati and Ors.). The learned counsel for the petitioners contends that the facts in the above writ petition are applicable to the present writ petition also. In the instant case, the Zilla Parishad without following the procedure as contemplated under Rule 6 and 7 of the Maharashtra Zilla Parishads (Discipline and Appeal) Rules, 1964 has imposed the major penalty of withholding one increment permanently and the said penalty amounts to major penalty. In the instant case also, the petitioners' one increment is 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.

4. In view of the same, the impugned orders dated 19.12.2018 passed by the respondent No. 5 - Chief Executive Officer, Zilla Parishad, Beed as well as the order dated 17.12.2019 passed by the respondent No. 4 - Divisional Commissioner, Aurangabad in appeal preferred by the petitioners are quashed and set aside. The respondent No. 5 - Chief Executive Officer of 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.

5. The writ petitions are allowed. Rule is made absolute in above terms.

[ARUN R. PEDNEKER J.]

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