

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

912 WRIT PETITION NO.4895 OF 2023

Kunal s/o. Bandu Ayawale,
Age 36 years, Occ. Service,
R/o. At Post Kalam,
Tal. Kalam, Dist. Osmnabad.

.. PETITIONER

VERSUS

1] The Additional Divisional Commissioner No.2,
Aurangabad Division, Aurangabad.

2] The Chief Executive Officer,
Zilla Parishad Office, Beed.

.. RESPONDENTS

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Mr.Avinash D. Aghav, Advocate for the petitioner
Mr.K.B.Jadhavar, AGP for the respondent-State
Mr.S.S.Dambe, Advocate for the respondent no.2

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CORAM : ARUN R. PEDNEKER, J.

DATE : 27.04.2023

ORAL 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.22/2022 dated 30.06.2022

and the order dated 29.09.2021 passed in Appeal No.05/2020 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 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.

5] In view of the same, the impugned order passed by the respondent no.1 in Review Application No.22/2022 dated 30.06.2022 and the order dated 29.09.2021 passed in Appeal No.05/2020 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]
JUDGE

DDC