

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

905 WRIT PETITION NO.10208 OF 2023

- . Mayawati Vishwanath Nale,
Age: 40 years, Occu.: Service,
R/o.: Brahmgaon, Tal.: Ashti,
Dist.: Beed. **.. Petitioners**

Versus

1. The Additional Divisional Commissioner,
Aurangabad Division, Aurangabad
2. The Chief Executive Officer,
Zilla Parishad Office, Beed **.. Respondents**

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Advocate for Petitioner: Mr. Aghav Avinash D.
AGP for Respondent/State: Ms. R. P. Gour
Advocate for Respondent No.2:
Mr. S. T. Jadhav a/w. Mr. P. D. Suryawanshi

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CORAM : ARUN R. PEDNEKER, J.

DATE : 23rd AUGUST, 2023

ORAL JUDGMENT:

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

2. By the present writ petition, the petitioner challenges the order of suspension and punishment dated 19.12.2018 passed by the respondent No. 2 – The Chief Executive Officer, Zilla Parishad Beed and confirmed by the

respondent No. 1 - The Additional Divisional Commissioner, Aurangabad Division, Aurangabad by order dated 03.05.2021.

3. The learned counsel relies upon the judgment passed by this Court in Writ Petition No. 8421/2018 and other connected matters dated 09.07.2019 (Rajesh Suhadeorao Rakhonde Vs. Divisional Commissioner, Amravati and Ors.). The learned counsel for the petitioner contends that the facts in the above writ petition are applicable to the present writ petition also. In the above case, the Zilla Parishad without following the procedure as contemplated under Rules 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 petitioner's 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. 2 – The Chief Executive Officer, Zilla Parishad, Beed as well as the order dated 03.05.2021 passed by the respondent No. 1 – The Additional Divisional Commissioner, Aurangabad in appeal preferred by the petitioner are quashed and set aside. Respondent No. 2 – 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 petition is allowed and disposed of. Rule is made absolute in above terms.

[ARUN R. PEDNEKER, J.]