

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

933 WRIT PETITION NO.167 OF 2019

**RAISODDIN ISMAILE SHAIKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner: Mr. Murge Estling S
AGP for Respondent/State: Mr. S. P. Tiwari
Advocate for Respondent Nos.3&4:
Mr. Suryawanshi Prashant D.

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CORAM: ARUN R. PEDNEKER, J.

DATE: 16th FEBRUARY, 2023

PER COURT:

1. Heard the learned counsel for the petitioner.

2. The petitioner was appointed as an Assistant Teacher, Zilla Parishad, Beed. The petitioner was promoted as Headmaster on 29.11.2005. On 17.02.2006, the petitioner was posted at Kendriya Primary School, Pimpalgaon (gade), Taluka - Parali, District - Beed. The petitioner tried to join the school at Pimpalgaon (gade), however, he was not permitted to join the school at Pimpalgaon (gade).

3. Thereafter, the Chief Executive Officer issued suspension order dated 13.10.2006. Thereafter, as per order dated 04.10.2007, departmental inquiry was conducted against the petitioner. The Inquiry Officer after conducting inquiry exonerated the petitioner of all the charges. However, in spite of exoneration of all the charges, the petitioner was punished with temporary stoppage of one increment. The learned counsel for the petitioner submits that once he has been exonerated from all the charges no such punishment ought to have been imposed upon the petitioner.

4. The learned counsel appearing for the Zilla Parishad, so also, the learned AGP submits that the petitioner did not join at the place of transfer and that he has not disputed the position that he has not joined the place of transfer.

5. However, in view of the fact that the special inquiry officer having rendered a finding that the petitioner is not liable for the same and that the inquiry officer has exonerated the

petitioner of all the charges, the punishment imposed upon the petitioner cannot be sustained and, therefore, the order passed by the Chief Executive Officer, Zilla Pariah, Beed, dated 06.12.2013, is quashed and set aside and consequential order dated 28.05.2018, passed by the Divisional Commissioner maintaining the order passed by the Chief Executive Officer is also quashed and set aside.

6. The arrears on account of setting aside the impugned order dated 28.05.2018 to be paid to the petitioner within a period of twelve (12) weeks from today.

7. The Writ Petition is allowed in above terms and disposed of.

[ARUN R. PEDNEKER, J.]

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