

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15598 OF 2022

Lakshaman Kailas Dudhal

....Petitioner

V/S

Union of India

through the General Manager & Ors.

....Respondents

...

Mr. Nagesh Y. Chavan for the Petitioner.

Ms. Neeta Masurkar for Respondent Nos.1 and 2.

Mr. Rajiv Jadhav for Respondent No.3.

...

**CORAM: S.V. GANGAPURWALA, ACJ &  
SANDEEP V. MARNE, J.**

**DATE : 3 JANUARY 2023.**

**P.C.:**

1 The Petitioner is challenging the order dated 21.02.2019 imposing punishment of withholding of increment for a period of two years without future effect. The said punishment is imposed upon Respondent No.3, who is Petitioner's father.

2 The learned Advocate for the Petitioner submits that Respondent No.3 did not declare correctly the family declaration. Respondent No.3 did not disclose the fact that he had remarried with one Smt. Kalpana without divorcing the mother of the Petitioner. The Respondents have illegally

imposed the minor penalty upon him. Infact for such a grave misconduct he should have been terminated from service. The learned Advocate submits that one another complaint was filed against Respondent No.3 for holding unauthorized property in his name. No action is taken against Respondent No.3. The order only suggest that upon the complaint of the Petitioner disciplinary enquiry was conducted against Respondent No.3 and punishment was imposed of withholding of increment for two years. The learned Advocate submits that another punishment which is given to the Respondent No.3 by the employee is reduction to lower time scale of pay by two stages for a period of one year with future effect and affecting seniority. According to the learned Advocate, Respondent No.3 cannot get away with such a minor punishment for such grave misconduct. Learned Advocate further submits that on the similar charges against other employee major punishment of termination of service was awarded by the Respondent-employer.

3 We have heard the learned Counsel for the employer who submits that necessary action has been taken against Respondent No.3.

4 Respondent No.3 is an employee of Respondent Nos.1 and 2. In service jurisprudence the Petitioner who is a son of Respondent No.3 would not have locus standi to challenge the punishment imposed upon

Respondent No.3 by the employer. Respondent Nos.1 and 2 on one hand and Respondent No.3 on another would be governed by the Service Rules applicable to the employment. The Petitioner though son of Respondent No.3 would be alien to the service conditions between the employer and employee.

5 In light of the above, the Petitioner would not have right to challenge the punishment awarded on the ground that major penalty ought to have been awarded against Respondent No.3.

6 In light of the above, no case for interference. The Writ Petition is dismissed. No costs.

**(SANDEEP V. MARNE, J.)**

**(ACTING CHIEF JUSTICE)**

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