



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.1073/2023

Ramesh S/o Timaji Masram,
aged about 71 Yrs., Occ. Nil,
R/o Karanja Ghadge, Taluka Karanja,
District Wardha.

... Petitioner

- Versus -

1. Zilla Parishad, Wardha,
through its Chief Executive Officer,
Wardha.
2. Panchayat Samiti Karanja,
through Block Development Officer,
Karanja, District Wardha.

... Respondents

Mr. A.M. Sudame, Counsel for the Petitioner.

Mr. D.R. Bhoyar, Counsel for Respondent Nos.1 and 2.

CORAM: A.S. CHANDURKAR & MRS. VRUSHALI V. JOSHI, JJ.

DATE : 29.8.2023

ORAL JUDGMENT (Per A.S. Chandurkar, J.)

Heard. **Rule.** Rule made returnable forthwith.

Heard finally by consent of learned counsel for the parties.

2. Challenge raised in the present writ petition is to the order of dismissal dated 5.6.2007 that was issued by the Chief Executive Officer, Zilla Parishad, Wardha thereby terminating the services of the petitioner from the post Senior Assistant, Panchayat Samiti, Karanja in view of the petitioner's conviction by the Special Court, Wardha on 26.4.2007 for the offence punishable under Sections 7, 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988. It is not in dispute that the conviction of the petitioner has been set aside in Criminal Appeal No.180/2007 by the judgment dated 15.9.2022 (Ramesh S/o Timaji Masram V/s. State of Maharashtra, through Anti Corruption Bureau, Wardha). The Chief Executive Officer has issued order on 27.7.2023 thereby cancelling the order dated 5.6.2007 that was impugned in the present writ petition for the reason that the petitioner has been acquitted of the offence with which he was charged. The said communication further states that steps will be taken to release all retiral benefits of the petitioner including allowances and arrears. In view of aforesaid,

the writ petition is disposed of by directing the respondent No.1 to release all the benefits of the petitioner admissible to him in view of the withdrawal of the order of punishment dated 5.6.2007. The dues of the petitioner be settled within a period of three months which would be till the end of November 2023. Rule is made absolute in the aforesaid terms. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A.S. CHANDURKAR, J.)