



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

**964 REVIEW APPLICATION (CIVIL) NO. 259 OF 2024
IN WP/5713/2022**

DINKAR ABHIMANYU MUNDHE

VERSUS

**THE ADDITIONAL DIVISIONAL COMMISSIONER 2 AND
OTHERS**

...

Advocate for Applicant : Mr. Vijaykumar C. Patil (Ashtekar)

AGP for Respondent No. 1 : Mr. V.S. Badakh

Advocate for Respondent No. 4 : Mr. P. D. Suryawanshi

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : November 22, 2024

PER COURT :-

1. Heard Mr. V.C. Patil, learned Advocate appearing for the applicant.

2. He submit that the applicant is awarded the punishment of withholding of one increment permanently with further direction of recovery of the amount of Rs. 21,804/-. According to him, the punishment amounts to the major penalty. However, the aforesaid aspect was not brought to the notice of this Court when the order under review dated 02.08.2024 has been passed by this Court. He would submit that the aforesaid aspect has been dealt with by this Court in Writ Petition no. 3739/2022, wherein by giving reference to the judgment of Supreme Court in the case of *Kulwant Singh Gill Versus State of Punjab*, **1990 SCR Supl. (1) 426**, it is held that the stoppage of one increment permanently which would have cumulative effect on future earning of the employee amounts to major punishment and such punishment could not be awarded without conducting disciplinary enquiry.

3. Learned Advocate submits that in the present case no disciplinary enquiry was conducted and the aforesaid punishment was inflicted on him. Therefore, it is necessary to review the order.

4. Having considered the submissions advanced, it is apparent that the applicant is employee of Zilla Parishad, Beed. He has been dealt with for his misconduct under provisions of the Maharashtra Zilla Parishad District Services (Discipline and Appeals) Rules, 1964. It is not disputed before this Court that under the Service Rules of Zilla Parishad the punishment of withholding of increment is a minor punishment for which disciplinary enquiry is not contemplated. Therefore, the reliance of the applicant on the law laid down by Supreme Court in the case of *Kulwant Singh Gill* (supra) would have no application. When there is specific provision under the Rule by which particular punishment is categorized as minor penalty, the observation of Supreme Court which is not based on the relevant provisions of Rule would not govern the present proceeding.

5. In that view of the matter, there is no merit in the review application. It stands rejected.

(S. G. CHAPALGAONKAR)
JUDGE