



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

WRIT PETITION NO. 14983 OF 2021

Vasant Dada Bhapkar

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri V. D. Hon, Senior Advocate i/by Shri Shrikant S. Patil,
Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for the Respondent Nos. 1 to 4.

**CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.**

DATE : 14TH FEBRUARY, 2025.

ORDER :

. Heard both sides finally at the admission stage. The petitioner is assailing judgment and order dated 27th February, 2019 passed by the Maharashtra Administrative Tribunal, Aurangabad (for short 'Tribunal') allowing the Original Application No. 245 of 2018 partly.

2. The petitioner was working as a talathi. A disciplinary action was taken against him for the charges of forgery and punishment of reduction in scale with permanent effect was imposed upon him. Challenging the disciplinary action, he had approached the Tribunal. It was allowed and relegated to the respondent No. 3/authority. Thus on couple of occasions matter traveled from the Tribunal to the respondent authorities.

Finally, when the respondent No. 3/Sub Divisional Officer confirmed the original penalty, the original application was preferred by the petitioner, in which the present impugned judgment and order is passed. By the impugned judgment and order, penalty was reduced from permanent effect to the effect of ten years.

3. Learned senior counsel Mr. V. D. Hon would submit that the petitioner attained age of superannuation on 30.06.2016. The penalty was initially imposed by order dated 25.05.2007. The penalty of reduction of scale with permanent effect and its reduction upto 10 years by the Tribunal is of the same consequences. Considering peculiar circumstances that the petitioner retired on 30.06.2016 virtually there is no change in the penalty. He would further submit that the disciplinary action was conducted for overt act for forgery by making bogus signatures of Tahsildar in respect of mutation entries and those are still in fact. He would therefore submit that the petitioner is entitled to leniency.

4. The learned Additional Government Pleader would support the impugned judgment and order. He would submit that the Tribunal has already taken lenient view of reducing penalty. As the petitioner is involved in serious charges, no further leniency can be given to him.

5. The petitioner faced disciplinary action for the serious

charges. Already it has been observed by the Tribunal that instead of awarding severe punishment the reduction of scale with permanent effect was imposed. As the authority itself had taken lenient view, therefore that Tribunal felt it to reduce the penalty upto the ten (10) years. In view of the peculiar circumstances, there is hardly any change in the penalty.

6. The petitioner attained age of superannuation on 30.06.2016. The original penalty was imposed on 25.05.2007. The period of ten years which is prescribed by the Tribunal would come to end on 24.07.2017 after the superannuation. This type of penalty cannot be imposed. We find substance in the submissions of the learned senior counsel for the petitioner. Considering the facts and circumstances of the case, we are of the considered view that the interest of justice would be sub served if the reduction in the scale is reduced to five (05) years from 25.05.2007, the original date of imposition of penalty. We, therefore, pass following order.

O R D E R

A. The writ petition is allowed partly.

B. The impugned judgment and order dated 27.02.2019 passed by the Tribunal in Original Application No. 245 of 2018 is quashed and set aside.

C. The punishment imposed upon the petitioner of reduction of scale shall be for five (05) years from 25.05.2007. The respondent authorities shall calculate the balance amount and disburse the arrears to the petitioner.

[SHAILESH P. BRAHME J.]

[S. G. MEHARE, J.]

bsb/Feb. 25