



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10021 OF 2022

Asha Vishwanath Deshmukh

....Petitioner

VERSUS

The Additional Divisional Commissioner
& another

.....Respondents

Mr. Joslyn A. Menezes, Advocate holding for Mr. P. S. Paranjape,
Advocate for the Petitioner.

Mrs. M. L. Sangeet, AGP for the State.

Mr. S. G. Dodya, Advocate for Respondent No. 2.

CORAM : R. M. JOSHI, J.

DATE : 23rd SEPTEMBER, 2025.

PER COURT :

1. Learned counsel for Respondent No. 2 has filed affidavit-in-reply. The same is taken on record.

2. This Petition takes exception to the order passed by the Chief Executive Officer, Zilla Parishad, Hingoli withholding one increment of the Petitioner permanently and rejection of appeal by Additional Divisional Commissioner, Aurangabad by order dated 11.12.2018.

3. Facts as they appear from record indicate that the Petitioner had participated in the transfer process of the year 2018. In respect of transfer by convenience, she made application claiming that her husband has been working as a Clerk in Additional District and Sessions Court, Selu. The distance mentioned between the place of transfer of the Petitioner and the place of work of her husband to be 80 kilometers. The application of the Petitioner was accepted. Later on, enquiry was conducted in respect of the said transfer. It is alleged against the Petitioner that she has provided false information with regard to the place of work of her husband being in different district so also the distance between the two places to be more than 30 kilometers.

4. The Chief Executive Officer, Zilla Parishad, Hingoli, passed order holding that the Petitioner has wrongly stated about distance between the place of her transfer and the place of work of her husband to be more than 30 kilometers. It is for this reason, one increment of the Petitioner was withheld permanently. The appeal filed against said order was unsuccessful. Hence, this Petition.

5. Learned counsel for Petitioner has drawn attention of the Court to the online application filed by the Petitioner which, according to him, indicates the correct facts being placed on record. It is his submission that undisputedly the distance between two places i.e. place of work of husband of Petitioner and her transferred place is more than 30 kilometers. Thus, it is his submission that there is no justification for imposing any punishment against the Petitioner.

6. Learned counsel for Respondent/Zilla Parishad filed affidavit-in-reply of Respondent No. 2 in order to support the impugned order. It is his contention that the procedure of transfer was in respect of transfer of teachers and their spouses in the same district. It is his submission that since the Petitioner's husband was working in another district, this amounts to providing false information.

7. There cannot be any dispute with regard to the fact that while filling the form for transfer, the application given by the Petitioner indicates that she was transferred to Zilla Parishad Primary School, Salwa and her husband was working with Additional District and Sessions Court, Selu. The distance between these two

places is mentioned to be about 80 kilometers. There is no dispute about the fact that the husband of the Petitioner was working at Selu at the relevant time. Thus, it cannot be said that any false information was given by the Petitioner. If the Petitioner otherwise was not entitled to get benefit of the said scheme, it was open for the administration to reject the application. However, it does not stand to any reason to allege against the Petitioner that she has made false statement or has given false information.

8. In any case, the order passed by the Chief Executive Officer indicates that the same has been passed only for the reason that there is false application with regard to the distance between the two places of work of Petitioner and her husband. There is sufficient material on record to indicate that the distance between Salwa and Selu is 145 kilometers. Apart from this, the order impugned indicates that the authorities were so casual that the information in respect of some other teacher was used for imposing punishment against the Petitioner. This is wholly impermissible.

9. In view of the above, the Petition is allowed. The order impugned stands set aside.

10. This Court is informed that the order impugned is already implemented. Since withholding of the increment is wholly illegal and contrary to the facts on record, Zilla Parishad, Hingoli is directed to release the increment of the Petitioner forthwith and to pay interest at the rate of 6% per annum on the amount illegally withheld by Zilla Parishad.

(R. M. JOSHI)
Judge

dyb