



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

910 WRIT PETITION NO. 1062 OF 2024

Madhuri Ramesh BhamrePetitioner

VERSUS

The State of Maharashtra & othersRespondents

.....

Mr. G. K. Kshirsagar, Advocate for the Petitioner.

Mr. S. N. Kendre, AGP for the State.

WITH

WRIT PETITION NO. 5568 Of 2024

Vidya Shivajirao Dhamane Petitioner

VERSUS

The State of Maharashtra & othersRespondents

.....

Mr. G. K. Kshirsagar, Advocate for the Petitioner.

Mr. S. N. Kendre, AGP for the State.

CORAM : R. M. JOSHI, J.

DATE : 29th APRIL, 2025.

PER COURT :

1. This Court is time and again facing the situation wherein counsel engaged for Zilla Parishads are not appearing before the Court. This results into delay in hearing and disposal of the proceedings. In the instant case also, on 06.03.2025, direction was

issued to Chief Executive Officer, Zilla Parishad, Aurangabad to place before this Court relevant file which is essential for decision of this petition. However, none appears for Zilla Parishad.

2. Hence, this Court has no other option but to issue bailable warrant against the Chief Executive Officer, Zilla Parishad, Aurangabad. Bailable warrant of Rs. 1,000/- be executed against the Chief Executive Officer, Zilla Parishad, Aurangabad, before 05.05.2025.

3. Stand over to 05.05.2025.

(R. M. JOSHI)
Judge

dyb

LATER ON :

1. Learned counsel Mr. U. B. Bondar appears for Zilla Parishad, Aurangabad. He places before this Court relevant record/file which was called upon to be produced by order dated 06.03.2025. In view of this, the above order of issuance of bailable warrant stands recalled.

2. Learned counsel for both the sides are heard.

3. It is a grievance of the Petitioner that order withholding Petitioner's one increment came to be passed without giving an opportunity of hearing. It is specific case of the Petitioner that even no show cause notice was issued to the Petitioner before taking this action.

4. Learned counsel for Zilla Parishad has drawn attention of the Court to the order impugned wherein there is a specific reference about hearing being given to all concerned on 21.06.2018. It is his submission that for the purpose of imposing minor penalty conduct of departmental enquiry is not essential.

5. Even if it is accepted that for the purpose of imposing minor penalty conduct of departmental enquiry is not required, however, it is mandatory that a show cause notice is issued and appropriate response is called from the employee before imposition of penalty.

6. Here in this case, though there is reference in the impugned order about conduct of hearing on 21.06.2018, there is no record available to indicate that any show cause notice was issued to the Petitioner or was heard before passing order of withholding one increment permanently. As a result of this, the order impugned cannot sustain. Hence, the same is set aside. Needless to state that it is open for the Zilla Parishad to take appropriate action against the Petitioner in accordance with law.

7. Both the petitions stand allowed in above terms.

(R. M. JOSHI)
Judge

dwb