

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4445 OF 2025

Mrs. Manisha Arjun Sakore.
Aged 48 years, Occ. Service,
R/o. Survey No. 2023/2/B/31,
Rajiv Nagar (South, Viman Nagar,
Pune – 411 014.

... Petitioner.

V/s.

1. Pune Municipal Corporation, Pune,
Through its Commissioner.
2. The Additional Municipal
Commissioner (General),
Pune Municipal Corporation, Pune.
3. The Deputy Commissioner,
Education Department (Primary),
Pune Municipal Corporation, Pune.

... Respondents.

Mr. Narendra V.Bandiwadekar, Senior Advocate a/w. Mr. Vinayak R.
Kumbhar, Mr. Rajendra Khaire, i/b. Ms. Ashwini Navjyot Bandiwadekar,
Advocate for Petitioner.

Ms. Manisha Jagtap a/w. Ms. Yashashree Raut, AGP for Respondent-
PMC.

**CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.**

DATE : 9th OCTOBER, 2025

ORAL JUDGMENT : (*Per Ravindra V. Ghuge, J*)

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

2. This is an example of a lady teacher having been ill-treated by the employer Corporation. As we unfold the dates and sequence of events in this judgment, the reasons for terming this case to be an example of ill-treatment, would become evident.

3. The dates and sequence of events are as under :

(a) The Pune Municipal Corporation, School Education Department (Primary), claimed to have received a complaint of a girl student alleging that the Petitioner, who is a lady teacher, did not treat her properly. Based on the said complaint, the Petitioner was issued with a show cause notice dated 27th February, 2025. By the said notice, without giving the Petitioner a copy of the complaint lodged by a parent or a group of students, she is called upon to show cause as to why she should not be subjected to disciplinary action for having used a word which appears to be directed towards the social status of the student (casteist remark).

(b) The contents of the show cause notice do not indicate as to what is alleged against the Petitioner. She was directed to submit a reply within 24 hours (लेखी खुलासा उलट टपाली इकडील कार्यालयास 24 तासात सादर करावा.).

(c) The alleged complaint is dated 8.1.2025, the show cause notice is dated 27.2.2025 and the Petitioner is granted 24 hours to submit a reply.

(d) The Petitioner tendered a reply dated 28.2.2025 and since the Deputy Commissioner, Education Department (Primary) had asked for the reply to be tendered through Post, the Petitioner submitted the reply through Speed Post.

(e) The receipt of the Speed Post A/D envelop indicates that she registered the envelop at 10.54 hours on 28.2.2025. 1st March, 2025 and 2nd March, 2025 was Saturday and Sunday.

(f) The Corporation neither admits nor denies that the envelop was delivered to the Corporation on 3rd March, 2025. The print out of the

tracking report obtained from the India Post website is placed on record which indicates that the envelop was delivered to the Corporation on 3rd March 2025, to Ms. Asha Raut, who is Deputy Commissioner, Education Department (Primary).

(g) The impugned order is passed on 7.3.2025 stating in the order that the reply is not received by the Corporation until 3.3.2025. Between 3.3.2025 to 7.3.2025, there were five working days and the Authority claims that there is no reply delivered by the Petitioner.

4. In the above backdrop, we have adverted to Section 56 of the Maharashtra Municipal Corporation Acts, more specifically, Chapter “*Imposition of Penalties*”. For brevity, we are reproducing Section 56 of the Act hereunder :

56. *Imposition of penalties on municipal officers and servants.*— (1) A competent authority may subject to the provisions of this Act impose any of the penalties specified in sub-section (2) on a municipal officer or servant if such authority is satisfied that such officer or servant is guilty of a breach of departmental rules or discipline or of carelessness, neglect of duty or other misconduct or is incompetent:

Provided that,—

(a) no municipal officer or servant [holding the post equivalent to or higher in rank than the post of the Assistant Commissioner] shall be dismissed by the Commissioner without the previous approval of the [Corporation].

[(b) any officer or servant whether appointed by the Corporation or any other competent authority, except Transport

Manager being a Government officer on deputation, may be suspended by the Commissioner pending an order of the Corporation and when the officer so suspended is the Transport Manager or an officer appointed under section 45, such suspension with reasons therefor, shall, forthwith be reported by the Commissioner to the Corporation, and such suspension shall come to an end if not confirmed by the Corporation within a period of six months from the date of such suspension :

Provided that, such suspension of an officer or servant pending inquiry into the allegations against such officer or servant shall not be deemed to be a penalty.]

(c) the Commissioner may impose any of the penalties specified in clauses (a), (b) [*] [(e) and (f)] of sub-section (2) on any officer appointed by the Corporation [other than the Transport Manager if he is a Government officer on deputation];*

(d) the Municipal Chief Auditor and the Municipal Secretary may impose any of the penalties specified in clauses (a), (b), (c), (d) and (e) of sub-section (2) on any officer or servant immediately subordinate to them [* * *] subject to a right of appeal to the Standing Committee and the Standing Committee may impose any other penalty on any such officer or servant and may also impose any penalty on any other officer or servant immediately subordinate to the Municipal Chief Auditor or the Municipal Secretary.*

[Explanation.— For the purposes of this section and section 53, a post shall be deemed to be a rank equivalent to another post if the minimum and maximum pay in the pay scale of both the posts are same. A post shall be deemed to be of a rank higher than another post, if the minimum pay in pay scale of former is at least equivalent to the later, but the maximum is higher than the later. In respect of the pay structure, a post shall be deemed to be of a rank equivalent to, or higher than another post, if the grade pay in pay structure of the former is equivalent to or higher than the later, respectively.]

(2) The penalties which may be imposed under this section are the following, namely :—

(a) censure ;

(b) with holding of increments or promotion including stoppage at an efficiency bar ;

- (c) reduction to a lower post or time-scale, or to a lower stage in a time-scale ;*
- (d) fine ;*
- (e) recovery from salary of the whole or part of any pecuniary loss caused to the Corporation;*
- (f) suspension ;*
- (g) removal from municipal service which does not disqualify from future employment ;*
- (h) dismissal from municipal service which ordinarily disqualifies from future employment.*

(3) No officer or servant shall be reduced to a lower post or removed or dismissed from service under this section unless he has been given a reasonable opportunity of showing cause against such reduction, removal or dismissal :

Provided that this sub-section shall not apply,—

(a) where a person is reduced, removed or dismissed on the ground of conduct which has led to his conviction on a criminal charge ; or

(b) where the competent authority is satisfied that, for reasons to be recorded in writing by such authority, it is reasonably practicable to give that person an opportunity of showing cause.

(4) Subject to the provisions of clause (d) of the proviso to sub-section (1), any municipal officer or servant who is reduced, removed or dismissed by any authority other than the Corporation may, within one month of the communication to him of the order of reduction, removal or dismissal, appeal to the authority immediately superior to the authority which imposed the penalty and the appellate authority may, after obtaining the remarks of the authority which imposed the penalty, either confirm the order passed or substitute for it such order as it considers just, including an order for the imposition of some lesser penalty, and effect shall forthwith be given to any order passed by the appellate authority which shall be conclusive :

Provided that for the purposes of this sub-section the Standing Committee shall be deemed to be the authority immediately superior to the Commissioner and the Corporation shall be deemed to be the authority immediately superior to the Standing Committee.

(5) With reference to officers and servants appointed under Chapter XX the provisions of this section shall apply as if for the word “Commissioner” the words “Transport Manager” and for the words “Standing Committee” the words “Transport Committee” had been substituted.

Explanation.— (1) For the purposes of this section a competent authority is the authority which under the provisions of this Act is competent to make the appointment to the post held by the particular municipal officer or servant.

(2) The monthly salary which would ordinarily be admissible to a municipal officer or servant on the date immediately preceding the date of the order imposing a penalty shall be deemed to be his salary for the purposes of the proviso to sub-section (1).

5. It is, thus, apparent that Section 56 permits two types of suspensions. Firstly, that an employee can be placed under suspension pending disciplinary action. Secondly, an employee can be punished with an order of suspension, by way of punishment, which is after enquiry when the charges are proved. In this backdrop, we have perused the impugned order. A cursory glance at the order would indicate that the same has been passed without application of mind, hurriedly, rather in undue haste and without even perusing Section 56(2)(f), which indicates that the said order of suspension would fall under subsection 2 which provides for imposition of penalties.

6. The fact situation, therefore, is that, on the one hand, the Petitioner’s reply was not even considered, rather it is contended that it

never reached the officer. On the other hand, no charge was framed against her. The allegation that she used a casteist word is also not brought to her notice. The copy of the complaint of a girl student is also not supplied to the Petitioner. The show cause notice is completely silent about the contents of the Complaint and as to what is the charge against the Petitioner. To make things worse, the Petitioner has been suspended *sine die* by the impugned order stating that she will remain under suspension with retrospective effect from 3.3.2025. The Petitioner contends that she was working between 3.3.2025 to 7.3.2025. Apparently, the order of suspension is served upon the Petitioner on 11.3.2025, which is visible from the remark on the impugned order placed before us.

7. As such, though the impugned order can be faulted for reasons more than one, primarily, the order is illegal for the reason that without following the due procedure of conducting disciplinary proceedings, the Petitioner has been suspended presuming that she is guilty of such charges, which were never levelled upon her. Secondly, she has been suspended *sine die*.

8. The learned Senior Advocate is justified in contending that

the Petitioner has been suspended for the afore-stated unsubstantiated reasons. She is made to suffer an insult of being suspended without even proving any charge against her. She has been paid 50% suspension allowance ever since she has been suspended by serving the impugned order upon her on 11.3.2025. It is also interesting to note that the impugned order is signed on 4th March, 2025 and the date typed on the impugned order is 7.3.2025 which is served on the Petitioner on 11.3.2025, giving a retrospective effect to the suspension from 3rd March, 2025.

9. In view of the above, **this Petition is allowed**. Since the impugned order is illegal and unsustainable, the same is quashed and set aside. The Petitioner would be entitled for the remainder portion of her salary from the date on which the suspension order was served upon her until today, by treating her 'on duty'. The Petitioner shall be reinstated in service tomorrow without waiting for this order to be uploaded on the official website.

10. Needless to state, it is the employer who has the Authority to initiate disciplinary action against an employee, if there are any charges or complaints against the employee, by strictly following the

procedure in accordance with law. If the Corporation desires to do so, this issue is left open.

11. Considering the facts and circumstances, in which the Petitioner has been made to suffer purported action under the guise of disciplinary proceedings, we find this to be a fit case for imposing nominal cost with the expectation that the Corporation would henceforth become alert and act strictly in accordance with Rules and Regulations. We are imposing this cost only because of the high-handed behaviour of the Corporation and the impugned order having been passed ignoring the law applicable and under the pretext that the law has been complied with.

12. We are, therefore, imposing total cost of Rs. 25,000/- on the Corporation, to be deposited in this Court within a period of 30 days from today. We leave it to the Commissioner of the Municipal Corporation to fix the responsibility on the concerned officer who may be responsible for acting highhandedly in issuing the impugned order.

13. The learned Senior Advocate Mr. Bandiwadekar submits on instructions that the cost amount be donated to the Advocate's Academy

and Research Center. Accordingly, we direct the Registry to transfer the amount to the establishment, details of which are as under :-

Account Name	: BCMG'S ADVOCATE ACADEMY & RESEARCH CENTER
Account Number	: 000120110001327
Bank Name	: Bank of India.
Branch Name	: Mumbai Main
IFSC Code	: BKID0000001
Type of Account	: Current A/c.

14. In view of the quashing and setting aside the impugned order, the remainder portion of the salary shall be paid to the Petitioner by the Corporation within a period of 30 days from today.

15. Rule is made absolute in the above terms.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)