



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1261/2024

PETITIONER : Rajesh Mukundshih Thakur
Aged 48 years, Occ. Assistant Teacher,
R/o C/o Zilla Parishad Primary School
Khairy, Taluka Arvi, Dist.Wardha.

...VERSUS...

RESPONDENTS : 1. The Additional Commissioner,
Nagpur Division, Nagpur.

2. Chief Executive Officer,
Zilla Parishad, Wardha.

Mr. P.S. Kshirsagar and Mr. G.O. Gadge, Advocates for petitioner
Mr. S.V. Narale, AGP for respondent No.1
Mr. C.V. Sawalkar, Advocate for respondent No.2

CORAM : SACHIN S. DESHMUKH, J.
DATE : 29/07/2025

ORAL JUDGMENT :

1. Heard learned counsel for the litigating sides.
2. Rule. Rule made returnable forthwith. By consent, the learned counsel for the parties are heard finally at the stage of admission.
3. It is a matter of record that the petitioner was charged for the offences punishable under Sections 292, 509 and 506 of Indian Penal Code vis-a-vis under Section 67 A of the Information Technology Act, 2000, the trial has concluded in acquittal on 28/03/2019. In the

wake of conclusion of trial, a show-cause notice was served upon the petitioner wherein the order of dismissal of the petitioner from services was passed. However, it was subjected to challenge before the Divisional Commissioner in Zilla Parishad Appeal No.27/2017-18, wherein by order dated 20/05/2019 dismissal was set aside by the Commissioner by directing the order of reinstatement. Accordingly, the Chief Executive Officer vide order dated 17/11/2020 reinstated the petitioner.

4. Having imposed the punishment and eventual reinstatement, surprisingly the Chief Executive Officer, on the same charges for which the petitioner was dismissed from services and eventually his appeal was allowed, as such was reinstated, ignoring the same, as stated herein above, on 21/12/2020 punishment of withholding three increments permanently has been imposed upon the petitioner.

5. Being aggrieved by the order of the said punishment, the petitioner again presented an appeal before the Additional Commissioner, Nagpur Division, Nagpur with contention that already the petitioner has suffered punishment which is set aside by the Additional Commissioner, as such, the petitioner cannot be subjected to punishment on successive occasions premised on the selfsame charges. Therefore, it is not open for the Chief Executive Officer to impose punishment as has been already imposed. The Additional Commissioner

ignoring the fact that the order of reinstatement has been ordered, the appeal presented by the petitioner is dismissed, maintaining the order of withholding the three permanent increments.

6. Raising an exception to the same, the petitioner is before this Court with a contention that for the selfsame charges petitioner has been punished on successive occasions. Learned Counsel for the Zilla Parishad fairly concedes the said position. Considering the fact that already the petitioner has been reinstated pursuant to the order in an appeal rendered by the Commissioner dated 20/05/2019, setting aside the order of dismissal rendered by the Chief Executive Officer, Zilla Parishad, which resulted into order of reinstatement dated 17/11/2020, as such, it was not open for the Chief Executive Officer to impose punishment on successive occasions. As such, the order rendered by the Commissioner is unsustainable in law, therefore, same is liable to be quashed and set aside. Accordingly, the same is quashed and set aside. The writ petition is allowed in terms of prayer clause (1). Rule is made absolute in the above terms. No order as to costs.

(SACHIN S. DESHMUKH, J.)