



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

WRIT PETITION NO.3855 OF 2019

Govind S/o Mahadevrao Deshmukh
Aged about 62 years, Occ: Retired,
R/o Ram Nagar, Patur, Tah. Patur
Dist. Akola.

...PETITIONER
(Ori. Applicant)

...V E R S U S...

1. The Divisional Commissioner,
Amravati Division, Amravati,
Dist. Amravati.
2. The Chief Executive Officer,
Zilla Parishad, Washim,
Dist. Washim.
3. The Block Development Officer
Panchayat Samiti, Karanja,
Dist. Washim.
4. The Block Development Officer
Panchayat Samiti, Mangrulpir,
Dist. Washim.

...RESPONDENTS
(Ori. Respondents)

Shri A.M. Tirukh, Advocate for petitioner.
Shri H.D. Dubey, AGP for respondent nos.1, 3 & 4.
Shri R.V. Tathod, Advocate for respondent no.1.

CORAM:- M.W. CHANDWANI, J.
DATED :- 25.09.2025

ORAL JUDGMENT:

1. **Rule.** Rule made returnable forthwith. Heard finally
with the consent of the learned counsels for the parties.

2. The petition challenges the order dated 05.10.2016 passed by the disciplinary authority i.e. Chief Executive Officer, Zilla Parishad, Washim whereby, the punishment of recovery of ₹1,77,833/- has been inflicted. Apart from recovery of amount, pension to the extent of 5% was reduced and the period of suspension was treated as suspension. Appeal filed by the petitioner before the Divisional Commissioner, Amravati also came to be dismissed.

3. The contention is that after enquiry, the disciplinary authority shall, if it is not the Inquiring authority record its findings on each charge. To buttress his contention, he seeks to rely upon Rule 6 (9) of the Maharashtra Zilla Parishads District Services (Discipline & Appeal) Rules, 1964 (for short “Discipline and Appeal Rules”), which reads thus:

“6(9) The Disciplinary Authority shall, if it is not the Inquiring Authority, consider the record of the inquiry and record its findings of each charge.”

4. Perusal of the order of punishment does not reveal that the Chief Executive Officer has recorded its findings on each charge, which is also reflected in the order of the first appellate authority. The first appellate authority, instead of remanding the matter before the disciplinary authority, dismissed the appeal.

5. Rule 6 (9) is mandatory in nature. Therefore, the Chief Executive Officer, after receipt of the enquiry report from the Assistant Commissioner (Enquiry) ought to have complied with Rule 6(9) of the Discipline and Appeal Rules.

6. Consequently, that part of the punishment does not sustain in the eyes of law. Hence, the matter is remanded back to the Chief Executive Officer to record its findings on each charge and if he is convinced with the enquiry report, the Chief Executive Officer may pass an appropriate order.

7. Liberty is granted to the petitioner to bring to the notice of the Chief Executive Officer, subsequent development that he is acquitted from the criminal case on record.

8. Since, the petitioner has already retired, the Chief Executive Officer, Zilla Parishad, Washim shall pass the appropriate order within a period of three months from the receipt of this order.

Rule is made absolute in the above terms.

JUDGE

Wagh