

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.937 OF 2015

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.K.G.Patil, Addl.Govt. Pleader for the Petitioners.

**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA, JJ.**

Date : 27.01.2015.

PER COURT :

1. Heard.
2. Mr.Patil, learned Addl. Govt. Pleader submits that in fact, the petitioners have to recover amount of Rs.85,204/- (Rupees eighty five thousand two hundred four) from the Respondents. However, the Tribunal has directed that only an amount of Rs.75,069-75 ps. can be recovered. According to the learned Addl Govt. Pleader there was no reason for the Tribunal to entertain the Original Application and reduce the amount to the extent of Rs.10,000/- (Rupees ten thousand). The petitioners were required to pay an amount of Rs.55,245/- (Rupees fifty five thousand two hundred forty five) to the contractors and the said amount is recoverable from the present Respondents.

3. We have considered the submissions canvassed by the learned Addl. Govt. Pleader, so also have gone through the judgment delivered by the Tribunal. The Tribunal in para 14 of the judgment has considered the record i.e. the cash book and the voucher numbers and has arrived at the conclusion that in fact, the Department is required to pay Rs.45,110-75 Ps.

4. The Tribunal has not committed an error in directing the payment of gratuity amount after deduction of Rs.75,069-75. As legitimate amount of the present Respondent was withheld, interest by way of damages would follow.

5. In light of that, no case for interference is made out. The Writ Petition is disposed of. No costs.

(V . L . ACHLIYA, J .)

(S . V . GANGAPURWALA, J .)

Dt..27.01.2015.
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