

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8490 OF 2015

Pawan Vishnudas Chandak Petitioner
vs
1 Magdum Bandagisab Shaikh
2 The Collector, Raigad
3 The State of Maharashtra Respondents

Mr. Pramod N. Patil with Mr. Ajit Hon for the petitioner.
Mr. C. P. Yadav, AGP for respondents 2 and 3.

**CORAM: ANOOP V. MOHTA AND
A. A. SAYED, JJ.**

DATE : September 01, 2015

ORDER:

Rule, returnable forthwith. Heard finally by consent of parties.

2 The Petitioner, who was at the relevant time Tehsildar, Panvel, has challenged judgment and order dated 9 June 2015 passed by the Maharashtra Administrative Tribunal, Mumbai (MAT) to the extent of strictures so made and imposition of personal costs of Rs.20,000/-.

3 The particulars and details of compliances so mentioned in tabulated form are reproduced hereinbelow:

Sr No	Particulars	Details of Compliance/Redressal
1	Medical Bills as per sanction by Government	Medical bill of Rs.1,22,232/- is sanctioned by Govt of Maharashtra as a special case and delivered to Applicant on 20.11.2013.
2	Commutation of Pension	13/01/14
3	Pension Case	Pension started to Applicant from 18.01.2014
4	Gratuity	Gratuity amount of Rs.1,85,488/- is paid on 11.03.2014
5	Payment of March, 2012 to April 2012	Payment paid on 09.05.2012 by cheque
6	Transfer T.A. Bill	Given to Applicant on 27.06.2014
7	Payment slip	Given to Applicant on 10.12.2014
8	Group Insurance	Given to Applicant on 29.12.2014
9	Leave encashment	Proposal sent to Collector's office for sanction on 15.05.2014 and finally disbursed to Pensioner on 18.01.2015
10	6 th Pay Commission difference	Proposal sent to Collector's office for sanction and finally delivered to Applicant on 18.01.2015
11	Service Book	Updated and necessary entries have been taken.

The explanation given reflects that the Petitioner has taken steps and there was no intention not to comply with the orders and/or

direction so issued. The imposition of costs, in the facts and circumstances, for the reason so recorded, in our view, is required to be interfered.

4 In the present case, the Petitioner, after giving explanation had also tendered an unconditional apology. However, the same was also not considered.

5 The Petitioner has tendered a fresh affidavit/apology dated 1 September, 2015 before this Court. The same is taken on record and marked “X” for identification purposes.

6 Taking overall view of the matter and in view of the undertaking/affidavit dated 1 September 2015, we are inclined to interfere with the order. Accordingly, the writ petition is allowed in terms of prayer (d) and it is further directed that all the personal remarks against the Petitioner in orders dated 22 December 2014 and 9 June 2015 shall stand expunged.

7 The learned counsel appearing for the Petitioner, on instructions of the Petitioner, who is present in Court, fairly states

that the Petitioner volunteers to pay the amount of Rs.20,000/- to the Library of the Maharashtra Administrative Tribunal, within a period one week from the date of receiving refund. The statement is accepted.

8 The Registrar of Maharashtra Administrative Tribunal to refund the amount to the Petitioner within two weeks. On receiving the payment of the amount of Rs.20,000/-, the Petitioner will pay the same to the Library of the Maharashtra Administrative Tribunal, within one week.

9 Rule made absolute in the above terms. No costs.

(A. A. SAYED, J.)

(ANOOP V. MOHTA, J.)

C E R T I F I C A T E

“ I certify that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order.”

Uploaded by :D. G. MURUMKAR, Senior Private

Secretary to Hon'ble Judge

Uploaded on : 04.09.2015