

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 774/2015

(MANOHAR GOVINDRAO DAGWADE **VERSUS** THE STATE OF MAHARASHTRA & OTHERS)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri N.S. Warulkar, counsel for the petitioner.
 Shri N.S. Khubalkar, A.G.P. for the R-1 to 3.

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : AUGUST 25, 2015.

By this petition, the petitioner impugns the order of the Maharashtra Administrative Tribunal dated 26.06.2014 dismissing an original application filed by the petitioner.

On hearing the learned counsel for the parties and on a perusal of the impugned order, it appears that there is no scope for interference with the impugned order in exercise of the writ jurisdiction. The petitioner had filed the original application against the order imposing a minor penalty of censure and a direction for recovery of an amount of Rs.2,90,431/- towards the loss caused to the public exchequer. Though the petitioner had challenged the order of the disciplinary authority before the appellate authority, the appeal filed by the petitioner was withdrawn as the petitioner agreed to repay the sum of Rs.2,90,431/-. The petitioner had tried to canvass before the Tribunal that the withdrawal of the appeal was under coercion. The Tribunal rightly found that there was no material on record, much less, any cogent material to show that the petitioner was forced by the respondents to withdraw the appeal and the petitioner had withdrawn the appeal under coercion. Since a pure finding of fact has been recorded by the Tribunal while dismissing the original application, it would not be proper to interfere with the impugned order.

Since the impugned order is just and proper, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

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