

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

Letters Patent Appeal No. 235 of 2006 in W.P.No. 5088 of 2004.

Dattatraya s/o Narayanrao Takalkar vs. State of Maharashtra and others.

Notes, Office Memoranda of

Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's
Orders.

Ms. Arti Singh Adv. h/f Mr. P.D.Meghe,
advocate for R-3.

CORAM: B.R.GAVAI & INDIRA K. JAIN, JJ

DATE : 10.6.2015

None for the appellant.

The appeal challenges the order passed by the learned Single Judge of this Court dated 24.1.2006 thereby dismissing the writ petition filed by the appellant.

The appellant, after being found guilty in departmental enquiry, was compulsorily retired and an amount of Rs. 4,04,970/- was directed to be recovered from him. The appeal challenging the said order was also dismissed by the Additional Commissioner. Being aggrieved thereby the petition was preferred before the learned Single Judge of this Court.

The only ground raised in the petition was that on account of non payment of subsistence allowance during the pendency of inquiry proceeding, the entire inquiry proceedings was vitiated. The learned Single Judge, taking into consideration the fact that the inquiry was commenced in the year 2002 and concluded in February, 2003, has held that no much prejudice could be said to have been caused to the appellant for non payment of subsistence allowance for such a short period.

We do not find that the view taken by the learned Single Judge can be said either to be illegal or erroneous. The appeal is devoid of merit and as such dismissed.

JUDGE

JUDGE

patle

