

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 10369 OF 2015

**RAMNATH GANPAT UMBARKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner : Mr. Bora Satyajit
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AGP for Respondent/State : Mr. S.K. Kadam
Advocate for Respondent no.4 : Mr.
P.P.Kothari

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**CORAM : S.S. SHINDE & SANGITRAO S. PATIL, JJ.
Dated: June 09, 2016**

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PER COURT :-

Rule. Rule made returnable
forthwith. Heard finally with the consent of
the learned counsel appearing for the
parties.

2. This Petition takes exception to the
order dated 16th August, 2013 issued by the
Superintendent of Pay and Provident Fund
Unit, Jalgaon. The learned counsel appearing
for the petitioner submits that the Deputy

Secretary, Department of School Education and Sports has issued the Government Memorandum thereby granting sanction to the reimbursement of medical expenses incurred by the petitioner to the extent of Rs.1,47,892/-. Therefore, he submits that once such directions are issued at the highest level of the State Authority, there was no reason for Pay Unit to seek further clarification from the State Government. According to him, the concerned Unit was bound to adhere to the Government Memorandum issued by the concerned Department on 8th April, 2013 and immediately disburse the amount of Rs.1,47,892/-.

3. On the other hand, the learned A.G.P. appearing for the Respondent/State vehemently opposed the prayer in the Petition.

4. We have considered the submissions advanced by the learned counsel appearing for the petitioner and the learned A.G.P. appearing for the Respondent/State. With their able assistance, we have perused pleadings/grounds taken in Petition, annexures thereto, reply filed by Respondent

No.5 and the copies of the documents placed on record, in particular, the document at Exhibit `D' page 20 of the compilation of the Writ Petition i.e. Government Memorandum dated 8th April, 2013 issued by the Deputy Secretary, School, Education and Sports Department, Government of Maharashtra.

5. It is not necessary for this Court to go into the details. Suffice it to say that once the Government Memorandum was issued thereby giving sanction for disbursement of the amount of Rs.1,47,892/-, all the subordinate Officers including Respondent No.4 was bound by the said directions. In that view of the matter, in the peculiar facts and circumstances, the impugned communication dated 16th August, 2013 at Exhibit `F' is quashed and set aside. Respondent No.4 is directed to release the amount of Rs.1,47,892/-, in case it is already not released, as expeditiously as possible, and preferably within two weeks from today.

6. The Petition is allowed to the above extent and stands disposed of.

7. Rule made absolute in the above terms.

(SANGITRAO S. PATIL, J.) (S.S. SHINDE, J.)

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