

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

WRIT PETITION NO.2957/2014

Prakash Harbaji Wakde and another
...Versus...

State of Maharashtra, through its Secretary, Tribal Development Department,
Mantralaya, Mumbai – 32 and others

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

Court's or Judge's orders

Shri Sachin Khandekar, Advocate for petitioners
Mrs. G.R. Tiwari, AGP for respondent nos.1 to 3
Shri H.A. Deshpande, Advocate for respondent no.4

CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : 21.12.2016

Shri Khandekar, the learned Counsel for the petitioners, on instructions from the petitioners, states that the petitioners are not desirous of pressing the prayers made in the writ petition, in view of the recent position of law, as laid down by the Hon'ble Supreme Court in the judgment, dated 29.7.2016 in Civil Appeal No.3500/2006 (High Court of Punjab and Haryana and others...Versus...Jagdev Singh).

The learned Counsel for the petitioners states that in the circumstances of the case, since the petitioners have several years of service, the respondents may be permitted to deduct only a sum of Rs.3,000/- from the monthly salary of the petitioners.

Though the learned Assistant Government Pleader for the respondent nos.1 to 3 and the learned Counsel for the respondent no.4 oppose the prayer made by the petitioners, in the circumstances of the case, we are inclined to grant the prayer, as the request is just and reasonable.

Hence, we dispose of the writ petition with a direction against the respondents to deduct only a sum of Rs.3,000/- (Rupees Three Thousand Only) from the monthly salary of the petitioners towards the recovery.

Order accordingly. No costs.

JUDGE

JUDGE