

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

WRIT PETITION No. 4946/2015.

Shri Pravin Chatrapati Thakare and others.

-VERSUS-

State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B.P. DHARMADHIKARI &
KUM. INDIRA JAIN, JJ.

DATE : AUGUST 04, 2016.

Heard Shri A.S. Kilor, learned Counsel for the petitioners, Shri N.S. Rao, learned A.G.P. for respondent nos. 1 and 2, Shri K.S. Malokar, learned Counsel for respondent no.3 and Shri S.D. Chande, learned Counsel for respondent nos. 4 and 5, for some time. Perused orders dated 16.04.2016. Accordingly, respondent nos. 4 and 5 have deposited an amount of Rs. 75000/- with the Registry of this Court. Similarly, respondent no.2 Deputy Director of Education and respondent no.3 Education Officer (Primary) have also deposited an amount of Rs. 5000/- each, with the Registry of this Court.

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2. During hearing, Shri Kilor, learned Counsel for petitioner has produced before us a communication dated 29.07.2016 sent by the Superintendent Pay and P.F. Unit (Primary) Akola of respondent no.3 Education Officer to respondent no.5 pointing out that the pay bills were submitted by respondent nos. 4 and 5 as a farce i.e. only to show some compliance. Necessary details were not supplied with it. The said communication dated 29.07.2016 is taken on record and is marked "X" for identification.

3. Shri Chande, learned Counsel is disputing this.

4. Shri Malokar, learned Counsel for respondent no.3 states that the respondent no. 3 has always acted diligently and necessary orders were passed. He submits that in this situation, the direction to deposit the amount of Rs. 5000/- personally, issued on 16.04.2016 should be recalled.

5. Shri Rao, learned A.G.P. appearing for respondent nos. 1 and 2, adopts the arguments of Shri Malokar, learned Counsel. He also seeks a modification to the extent of recalling of the order of deposit issued on 16.04.2016 so far as the respondent

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no.2 is concerned.

6. In view of the letter sent by the Superintendent of Pay unit dated 29.07.206, we find that interest of justice can be met with by directing the respondent nos. 4 and 5 to supply necessary documents to the Pay Unit and to remove all lacunae in the pay bills submitted by it, within a period of two weeks from today. The respondent no.3 Education Officer may in this respect hear the petitioners as also respondent nos. 4 and 5. Respondent no.3 can also issue necessary directions to respondent nos. 4 and 5 if they fail to comply.

7. Though we have some reservations about the conduct of respondent nos. 4 and 5 in the matter, as they have deposited the amount of Rs. 75000/- with the Registry of this Court, we keep the said issue open for its appropriate evaluation in future.

8. As respondent nos. 2 and 3 have explained the position and are ready and willing to exercise powers available to them, if occasion therefor arise, we recall the direction of deposit of amount of Rs. 5000/- each by them personally. Registry is directed to refund the said amount to them.

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9. If respondent nos. 4 and 5 make necessary compliance within a period of two weeks from today, the bills submitted by them shall be processed by the Pay Unit as per law, within next two weeks. If petitioners find themselves aggrieved thereafter, we grant them liberty to approach again. For that purpose, all rival contentions are kept open.

10. The amount of Rs. 75,000/- deposited by the respondent nos. 4 and 5 with the Registry of this Court should be adjusted towards the arrears if any, found payable to the petitioners. Liberty for withdrawal of the said amount, after appropriate orders are passed by the respondent no.3 in the matter.

11. With these directions and liberty, we dispose of the Writ Petition. No costs.

JUDGE

JUDGE

Rgd.

CERTIFICATE

I certify that this judgment/order uploaded
is a true and correct copy of original signed
judgment/order.

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Pvt. Sec.