

**IN THE HIGH COURT OF JUDICATURE AT
BOMBAY
BENCH AT AURANGABAD.**

WRIT PETITION NO.1733 OF 2017

Santosh Nandkumar Dhongade ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

...

Mr.Kishor Gadhave Patil, advocate holding for
Mr.S.S.Wagh, advocate for the petitioner.
Mr.Y.G.Gujrathi, A.G.P.for the State.

...

**CORAM : S.V.GANGAPURWALA AND
SANGITRAO S.PATIL, JJ.**

Date : 15.03.2017.

PER COURT :

1. Heard.

2. Mr.Patil, learned counsel for the
petitioner states that the recovery is made
against the petitioner on the ground of alleged

misappropriation without conducting any inquiry. The same is not permissible. Inquiry is required to be conducted as per Rule 8 of Maharashtra Civil Services (Discipline and Appeal) Rules, 1979.

3. Learned A.G.P. states that office record was perused. Upon perusal of the stock register and physical verification of foodgrains, discrepancy was found. 694 bags of wheat and 231 bags of rice have been found less. After following the procedure the recovery is claimed of an amount of Rs.7,25,280/- (Rupees seven lacs twenty five thousand two hundred eighty only).

4. We have considered the submissions.

5. When recovery is being claimed against the petitioner, inquiry is required to be conducted. The recovery would be by way of punishment. The Respondents have not initiated any inquiry against the petitioner. The Respondents shall after conducting inquiry as contemplated under the Maharashtra Civil Services

(Discipline and Appeal) Rules, 1979 for recovery and depending upon the decision taken in the inquiry pass further orders afresh. The impugned order as such is quashed and set aside.

6. The Writ Petition is accordingly allowed. No costs.

(SANGITRAO S. PATIL, J.) (S.V.GANGAPURWALA, J.)

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