

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

WRIT PETITION(ST) NO. 10353 OF 2017

Shri Mukund Shankar Jagtap ... Petitioner

V/s.

State of Maharashtra & anr. ... Respondents

Mr. M.U. Rajput for the petitioner.

Mr. A.I. Patel, AGP for respondent no.1.

Mr. R.S. Datar for respondent no.2.

**CORAM : NARESH H. PATIL AND  
Z.A. HAQ, JJ.**

**28<sup>th</sup> September, 2017.**

**P.C.**

The petitioner challenges the order passed by respondent no.1 on 27<sup>th</sup> February, 2015 rejecting the proposal for medical reimbursement bill of his late father Shri Shankar Bhagwan Jagtap. The bill was to the tune of Rs. 1,31,141/- (Rupees One Lakh Thirty One Thousand One Hundred and Forty One only).

2. The learned Counsel appearing for the petitioner had adopted the submissions advanced by the Counsel appearing in Writ Petition No. 13438 of 2016. The age of the petitioner's father at the time of death was 81 years and was said to be wholly dependent on the petitioner. By communication dated 27<sup>th</sup> February, 2015 the State Government rejected the proposal for reimbursement of medical expenses incurred by petitioner for the treatment of his father.

3. We have perused the record placed before us and considered the submissions on behalf of State-respondent no.1. Mr. Madan Bhalchandra Gosavi, Legal Advisor-cum-Joint Secretary, Law and Judiciary Department, State of Maharashtra filed affidavit-in-reply. We have perused the same.

4. For the reasons recorded by us in Writ Petition No. 13438/2016, we quash and set aside the impugned order passed by respondent no.1 authority dated 27<sup>th</sup> February, 2015. The proposal forwarded by the Principal District & Sessions Judge, Solapur shall be considered afresh by the Law and Judiciary Department on merits.

**ORDER**

(i) The Writ Petition is allowed.

(ii) The impugned order dated 27th February, 2015 passed by the respondent no.1 authority rejecting the application of the petitioner for medical reimbursement is hereby quashed and set aside.

(iii) Matter is remanded back to Principal Secretary, Law and Judiciary.

(iv) We direct the concerned designated officer of Law and Judiciary Department to verify the claim proposal of the petitioner and pass a brief reasoned order on such proposal.

(v) This exercise shall be completed by Law and Judiciary Department within 6 weeks and decision shall be communicated to the petitioner by fastest mode of service.

(vi) The State would also consider reviewing prescribed ceiling of earning of Rs.3,500/- by the dependent of a Judicial Officer.

(vi) The State to submit compliance report.

5. Copy of this order be forwarded to Registrar, Legal and Research Department, High Court, Mumbai.

6. List the matter in 6<sup>th</sup> week Monday at 3.00 p.m. for compliance.

**(Z.A. HAQ, J)**

**(NARESH H. PATIL, J.)**

L.S. Panjwani, P.S.