

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 585 OF 2014**

Mr. Man Mohan Dutt

....Petitioner.

Vs.

Union of India & Ors.

....Respondents.

Ms. Ambreen Sahid i/by MDP & Partners for the Petitioner.

Mr. V.Y. Sanglikar for Respondent No.2.

**CORAM : ANOOP V. MOHTA AND
RAVINDRA V. GHUGE, JJ.**

DATE : 27 MARCH 2017.

FINAL ORDER:-

1. Rule. Rule made returnable forthwith.

Heard finally, by the consent of the parties.

2. The Petitioner's case is that of wrongful deduction of an amount of Rs.2,000/- (Rupees Two Thousand only) per month from the Pension of the Petitioner, as per the decision taken by the board of Respondent No.2-National Insurance Company Limited. The submission is made by the learned counsel appearing for Respondent No.2 that, it was decided after due consultation with the Board and therefore, there is no reason to request the Board to consider the case of the Petitioner, again.

3. Admittedly, the Petitioner was not heard when the stated adverse decision was taken by the Board. Therefore, by keeping all points open and to avoid further delay in such matters, we are permitting the Petitioner to make a representation, if not already made, within four weeks from today. The Respondents and the concerned Board, if any, shall decide the same in accordance with law within four months thereafter.

4. It is made clear that the Petitioner has filed the present Writ Petition in this Court on 23 December 2013, which is within the reasonable time after receipt of the impugned order, and the same is pending till this date. Therefore, delay even if any, to make the representation by the Petitioner should not be the reason to reject the case of the Petitioner.

5. Therefore, taking an overall view of the matter, it appears that the impugned order so communicated to the Petitioner, apart from being without any hearing, is unreasonable. The basic principle of hearing, therefore, in our view, is required to be noted while

passing such orders of deduction of such amount from the pension amount.

6. Therefore, we are inclined to dispose of the present Writ Petition, and accordingly pass the following order:-

ORDER

- a) Writ Petition is disposed of.
- b) The Petitioner to file representation before the concerned Respondents within four weeks from today.
- c) In the interest of justice, the Representation of the Petitioner to be treated as an Appeal and Respondent No.2 shall decide the same, in accordance with law, as early as possible and preferably within four months thereafter.
- d) All points are expressly kept open.
- e) Rule disposed of accordingly.
- f) No costs.

(RAVINDRA V. GHUGE, J.)

(ANOOP V. MOHTA, J.)