

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION NO.208 OF 2018
(The State of Maharashtra and another Vs. The Zilla Parishad, Jalna
and another)
IN
WRIT PETITION NO.9887 OF 2017

Mr.S.K.Tambe and Mr.N.T.Bhagat, learned AGPs' for State.
Mr.S.S.Tope, Advocate for respondent No.1.
Mr.A.B.Kale, Advocate for respondent No.2.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 06/12/2018

PER COURT :

1. I have considered the extensive submissions of the learned AGP and the learned Advocates on behalf of the respondents.

2. The applicants seek a review of the directions set out in paragraph Nos. 5 and 6 of the order dated 12/07/2018 passed in WP No.9887/2016.

3. In so far as the directions in paragraph No.5 are concerned, I do not find any reason to modify the same as the two vehicles of the Zilla Parishad were seized on 21/12/2016 due to the apathy of respondent No.2 S.D.O. and the vehicles were standing still for almost one and half years in the premises of the District Court.

Learned AGPs', therefore, take instructions and submit that the said directions would be complied with by Mr.Harichandra Ananda Gawali, S.D.O. Bhokardan, Dist.Jalna and the amounts would be deposited from his salary account in the account of C.E.O. Zilla Parishad, Jalna, on or before 10/12/2018.

4. In so far as the directions in paragraph No.6 are concerned, the learned AGP points out a communication issued by the Divisional Commissioner, Aurangabad dated 04/07/2018 addressed to the Secretary, Planning Department that a proper procedure as prescribed in the GR dated 03/11/2016 would be followed and after the responsibility is fixed on a particular Officer as regards the delay caused due to which the State had to pay interest of a huge amount, that amount would be recovered from the erring Officer. The learned AGPs' further submit that this aspect of the matter was not intimated to them by the instructing client and hence this could not be pointed out when this Court passed an order on 12/07/2018.

5. Learned Advocate for the respondents submits that this is an intra department issue and they have no reason to express any view.

6. Considering the above, paragraph No.6 of the order dated

12/07/2018 stands modified and the said paragraph would now read as under :-

"It can be reasonably assumed that the compensation payable to respondent No.3 could have been possibly paid by August 2014 as no appeal was preferred by the State. Since this was not done, though respondent No.3 would be entitled for interest on the enhanced amount from the Government, the taxpayer is unnecessarily burdened with this interest component as the Government pays the said amount from the tax payers' money. As such, the interest amount for the period 01/08/2014 till the amount is paid by the Government, shall be subject to the enquiry as per GR dated 03/11/2016 and in view of the communication of the Divisional Commissioner, Aurangabad dated 04/07/2018 addressed to the Secretary, Planning Department, Mumbai. The competent authority, who is empowered to conduct such enquiry, shall do so within 3 months, shall fix the responsibility on the concerned Officer and shall recover the said amount from the personal salary of the said Officer, within 1 (one) month from the completion of the enquiry for which 3 months are being granted, to be deposited in the government treasury."

7. The Divisional Commissioner, Aurangabad shall tender a compliance report within one month after the above stated exercise is completed, to the learned Registrar (Judicial) of this Court, who shall place the said compliance report before the Court which has passed

this order.

8. The review application, is therefore, partly allowed in the above terms.

(Ravindra V.Ghuge, J.)