

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

WRIT PETITION NO. 10501 OF 2015

DATTATRAYA DAMODHAR WAGHCHOURE
VERSUS
THE BLOCK EDUCATION OFFICER AND OTHERS

...
Advocate for the Petitioner : Shri A.R.Tapse h/f Shri Suryawanshi Prashant
D..
AGP for Respondent 5 : Shri B.A.Shinde.
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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 25th July, 2018

Per Court:

1 None appears for Respondent Nos.1, 2 and 3. This Court has permitted the Petitioner to delete Respondent No.4.

2 I have heard the learned Advocate for the Petitioner and the learned AGP appearing on behalf of Respondent No.5.

3 The grievance of the Petitioner is that after the Cooperative Court delivered it's award on 28.03.2011 in Dispute No.16/2008, this Petitioner approached the District Deputy Registrar, Cooperative Societies under Section 156(1)(a) of the Maharashtra Cooperative Societies Act, 1960 (for short "the MCS Act") for seeking appropriate orders for recovery of the amount of Rs.2,15,521/- from Respondent Nos.2, 3 and 4 in this petition.

By the impugned order dated 01.01.2015, Respondent No.1 has declined to entertain the communication dated 10.11.2014 by which, the Recovery Officer had sought deduction in the salaries of 12 persons mentioned in the said list.

4 I find from the impugned order that Respondent No.1 has expressed a view that there is no direction by the Cooperative Court to cause a recovery of the amounts from the said 12 persons by attaching their salaries to the extent of the amounts mentioned in the communication of the Recovery Officer.

5 I also find that Section 156(1)(a) of the MCS Act was not brought to the notice of Respondent No.1. As such, being oblivious of the said provision, Respondent No.1 has tried to search for the source of the power to issue such directions. Had the said provision been pointed out to him, he would have applied his mind.

6 In view of the above, this Writ Petition is allowed. The impugned order dated 01.01.2015 is quashed and set aside. The matter is remitted to Respondent No.1 for re-hearing.

7 The litigating sides shall appear before Respondent No.1 on 06.08.2018 at 11:00 am. In the event, any Respondent does not appear, Respondent No.1 may issue notice to them for causing their appearance.

8 Needless to state, Respondent No.1 shall hear all the litigating sides and pass an appropriate order as expeditiously as possible and in any

case, on or before 15.10.2018.

9 It is expected that Respondent No.1 would consider the request of the Recovery Officer in view of the communications dated 10.11.2014 and 31.12.2014, in the light of Section 156(1)(a) of the MCS Act.

kps

(RAVINDRA V. GHUGE, J.)