IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.977 OF 2018
(The Principal Accountant General Vs. Capt.Raoshaeb Dayaram Suryawanshi and others)
IN
REVIEW APPLICATION STAMP NO.37049 OF 2016
IN
WRIT PETITION NO.9437 OF 2015

Mrs.U.C.Agrawal, Advocate for the applicant.
Mr.S.K.Tambe, AGP for respondent/State.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 23/01/2018

PER COURT :

1. The applicant is aggrieved by the observation made in paragraph No.6(d) of the order of this Court dated 03/10/2016 in WP No.9437/2015, which reads as under :-

> *"The Secretary, Government of India, Finance Department, Central Secretariat, New Delhi or any other competent authority shall take into account the failure of respondent No.4 the Principal Accountant General (Accounts and Entitlements)-I, in assisting this Court despite service of notice and shall initiate appropriate action for the said lapse on his part."*

2. Since the delay of 37 days in filing the review application is of a minor nature, the same is condoned.

3. I have considered the submissions of the learned Advocate for the applicant on the review application. It appears that the applicant has an explanation to offer that his department is represented by the Government Pleaders' Office at the State level. There was a correspondence between the applicant and the Government Pleaders' Office. By the said correspondence, the Secretary, Department of School Education, Government of Maharashtra as well as the Government Pleaders' Office was informed that the Government Pleader will have to appear on behalf of the office of the Principal Accountant General, respondent No.4 in the writ petition. The Government Pleaders' Office did not appear on his behalf.

4. I find that this Court has not passed any strictures upon the applicant. What is stated in the reproduced direction above is that the Principal Accountant General, Accounts and Entitlement-I has not assisted this Court and hence the Secretary, Government of India would consider initiating appropriate action against the said officer. This does not mean that punitive orders could be passed by the Secretary without hearing the concerned Officer. The fact remains that respondent No.4 was not represented in the proceedings before this Court. If he has any plausible explanation to offer, he may do so in the proceedings that would be initiated against him.

5. It is noticed that the Principal Accountant General against whom action is directed by the above reproduced observation, has not filed this application. One Mr.Nilesh Pandurang Patil has filed this review application on his behalf.

6. For all the above reasons, the review application is devoid of merit and is therefore rejected.

(RAVINDRA V. GHUGE, J.)