

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

WRIT PETITION NO. 5131 OF 2018

The State of Maharashtra & Ors.	...Petitioners
Versus	
Gangadhar S. Musmade	...Respondent

Mr. N. C. Walimbe – AGP for Petitioners – State.
Mr. Dinesh Khaire for Respondent.

**CORAM: SMT. V. K. TAHILRAMANI, Acting C. J. &
M. S. SONAK, J.**

DATE : 21 JUNE 2018

P.C. :

1] After this matter was heard for some time, the learned counsel for the parties, on the basis of instructions, state that this petition can be disposed of with the following agreed order :

(A) The impugned judgment and order dated 2nd March 2017 is modified and the petitioners are held entitled to recover approximately 20% of the salary etc. amounting to Rs.2,40,000/- from the respondent, who has admittedly not worked between the period 17th June 2011 to 7th June 2012;

(B) The respondent consents to an amount of Rs.20,000/- per month being deducted from his salaries for a period of 12 months from today, so that the petitioners recover the amount of Rs.2,40,000/-;

(C) The observations in paragraph 8 of the impugned judgment and order as regards '*bending of rule or procedure*' are set aside. Further, it is clarified that the impugned judgment and order, after modification as aforesaid, is sustained on account of the peculiar facts concerning the respondent and the respondent's offer to refund the amount of Rs.2,40,000/- to the Petitioners - State, by way of 12 monthly instalments;

(D) That save as modified as aforesaid, there is no further interference with the impugned judgment and order dated 2nd March 2017.

2] The learned AGP has secured instructions from Gitte Dnyanchandra Marotirao, Administrative Officer in the office of the Commissioner of Agriculture, Pune, who is present in the Court and Mr. Dinesh Khaire, the learned counsel for the respondent has secured instructions from Gangadhar S. Musmade, the respondent, who is also present in the Court.

3] The petition is disposed of in the aforesaid terms. There shall be no order as to costs.

4] All concerned to act on basis of authenticated copy of this order.

(M.S. SONAK, J.)

(ACTING CHIEF JUSTICE)

CHANDKA