JPP

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 49 OF 2019

Ravindra Jagannath Kudale … Petitioner.

V/s.

State of Maharashtra and Ors. ... Respondents.

Mr. Sanjay Kshirsagar for the Petitioner.

Mr. M.M. Pabale, AGP for Respondents 1 and 4.

CORAM : PRADEEP NANDRAJOG,C.J. &
N.M. JAMDAR, J.

DATE : 18 JUNE 2019.

P.C. :-

It is pleaded in the Writ Petition that either six or seven receipt books in the office of the Deputy Regional Transport Officer, Pimpri Chinchwad, Pune (Respondent No.4) are missing. As per the Petitioner, each receipt book contains 50 receipts.

2. Petitioner suspects that the amount stated to have been

recovered towards road tax and evidenced through the receipt has not reached the Government Corpus and in all probability the custodian of the receipt books has misused the same by issuing a receipt to owners of commercial transport vehicles evidencing payment of road tax when none has been credited to the Government Account.

3. The documents filed by the Petitioner alongwith the Writ Petition comprise the response received by the Petitioner from the fourth Respondent and the response shows that the fourth Respondent admits that seven receipt books each having 50 receipts are missing.

4. Now, after money is received by the concerned officer and a receipt is issued, the same has to be deposited in the treasury. Daily collection has to be entered in a statement and has to be reflected in the treasury challan. Thus, how much money has been credited in the treasury with reference to the seven receipt books can be verified from the treasury record.

5. The prayer made in the Petition is to direct the Respondents to take cognizance of the lost receipt books and identify the officers responsible for the loss of the receipt books and recover money from the guilty officers.

6. Now, till it is established that a particular officer who issued the receipt has not deposited the money in the treasury, the question of taking action against any guilty officer does not arise.

7. The matter needs a proper investigation.

8. We dispose of the Writ Petition directing the Transport Commissioner, impleaded as Respondent No.2 to hold an enquiry into the seven receipt books misplaced in the office of the 4th Respondent. Since the receipt books are missing, the Transport Commissioner shall look into the secondary data by summoning the record. The secondary data would be the books required to be maintained containing a record of the accounts in the office of the

4th Respondent and the treasury challans filled up showing deposit of the amount in the Government treasury. Completing the enquiry, the 2nd Respondent would ensure that the amounts which would have been received as a result of the receipt books being utilized are credited in the treasury.

8. If it is found that receipts in the seven receipt books are not accounted for action would be initiated against the person who was in-charge of the receipt book. Necessary exercise shall be completed within six months from today. The Petitioner shall be entitled to a copy of the enquiry report.

N.M. JAMDAR, J. **CHIEF JUSTICE**