

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11569 OF 2017

CHHAGAN SHRIRAMJI PARDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Mr. G.L. Deshpande
AGP for Respondent Nos. 1 to 6 : Mrs. V.N. Patil - Jadhav

CORAM : C.V. BHADANG &
SANDIPKUMAR C. MORE, JJ.

DATE : 27 JUNE, 2022.

ORDER :-

The challenge in this petition is to the order dated 20 April, 2017, passed by the sixth respondent thereby directing recovery of Rs. 1,29,301/- from the petitioner and letter dated 20 December, 2016 issued by the Taluka Agricultural Officer, Soygaon, District Aurangabad.

2. We have heard learned counsel for the parties.

3. Learned AGP has pointed out that there was a Departmental Enquiry conducted against the petitioner, in which the Divisional Commissioner, by order dated 18 October, 2008 has awarded punishment of barring one annual increment for a period of two years without cumulative effect. It is submitted that the

impugned order only computes the amount recoverable as per the punishment imposed by the Divisional Commissioner, Aurangabad. It is pointed out that the petitioner has not challenged the said order of punishment and, therefore, cannot question the impugned communication which only seeks to recover the amount computed as per the said punishment. The learned AGP has taken exception to the maintainability of the petition on account of availability of an alternate remedy.

4. The learned counsel for the petitioner did not dispute that the order dated 18 October, 2008, has not been challenged by the petitioner. He, however, submits that the petitioner shall explore possibility of any alternate remedy and shall avail of the same.

5. In that view of the matter, the petition is disposed of. We make it clear that we have not examined the rival contentions of the parties. Only in order to enable the petitioner to explore / avail alternate remedy, if any, the interim relief, which is operating from 22 September, 2017, is extended for a period of four weeks. No costs.

SANDIPKUMAR C. MORE, J.

C.V. BHADANG, J.

grt/-