

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13488 OF 2023

Pradip Krishnarao Gaikwad ... Petitioner.

V/s.

The Principal Accountant General
(Audit) 1 Mumbai & Ors. ... Respondents.

.....

Mr. Nitin P. Deshpande for the Petitioner.
Ms. R.A.Salunkhe AGP for the Respondents-State.

.....

**CORAM : NITIN JAMDAR, AND
MANJUSHA DESHPANDE, JJ.**

DATE : 2 November 2023.

P.C. :

Heard learned counsel for the Petitioner.

2 The Petitioner, who is a retired Judicial Officer, has questioned the recovery made from his monthly Pension, in the months of August and September 2023. One of the main grounds of the Petitioner's case is that, this recovery is without giving any opportunity to the Petitioner. The Order dated 31 August 2023 which is on record Inter-departmental correspondence. The Petitioner has stated on oath that no notice was given to the

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Petitioner. We have no reason to disbelieve the same.

3 In these circumstances, we dispose of the Writ Petition, directing that the Respondent-Authorities to give an opportunity to the Petitioner and thereafter pass an appropriate order.

4 The action taken by the Respondent would be considered as *prima facie* opinion. The final decision would be after hearing the Petitioner. Needless to state that till such decision is taken after giving opportunity to the Petitioner, there cannot be any further deduction from the Petitioner's Pension. As regards the deduction for two months that has been already made, the issue would be considered when the final order is passed. If the order is adverse to the Petitioner, the Petitioner will have his remedy open.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)