



(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

23 WRIT PETITION NO. 2286 OF 2024

**MURLIDHAR RANGRAO MISTARI
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

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Ms Megha Y. Mali, Advocate for Petitioner;
Ms Neha Kamble, A.G.P. for Respondent No.1
Mr A. G. Vasmatkar, Advocate for Respondent Nos.2 to 5

**CORAM : RAVINDRA V. GHUGE
AND
R. M. JOSHI, JJ.**

DATE : 11th March, 2024

PER COURT:

1. The Petitioner has put forth prayer clauses (B) and (C), as under :-

“B. To quashed & set aside the impugned letter dated 09.01.2024 issued by the Resp. No.3 & further direct the respondents to release remaining amount of Rs. 1,65,42/- to the petitioner, with an interest of @ 18% per annum till actual payment, by issuing a writ of mandamus or any other appropriate writ or order or direction in like nature, as the case may be;

C. Pending hearing & final disposal of this Writ Petition To direct the respondents to release remaining amount of Rs. 1,65,412/- to the petitioner, with an interest of @18% per annum till actual payment.”

(2)

2. We have heard the strenuous submissions of the learned Advocate for the Petitioner and Shri Vasmatkar, appearing for the Respondent/Maharashtra Jeevan Pradhikaran, who has vehemently opposed this Writ Petition and prays for costs to be imposed. According to him, this is a frivolous Petition.

3. The record indicates that the Petitioner, who is a senior citizen, is engaged in a litigation with his wife. In a proceeding, the Judicial Magistrate, First Class, Sakri has passed the order directing the Employer to ensure that the amounts as directed to be paid to the wife of the Petitioner, should be deducted from his retiral benefits. The grievance of the Petitioner is that, besides the amounts having been deducted, there is still some portion of retiral benefits pending with the Maharashtra Jeevan Pradhikaran, and hence, the impugned order dated 04/01/2024, directing recovery of the residual amounts by holding back an amount of Rs.1,65,412/-, may be quashed and set aside.

4. It appears that the Petitioner was a defaulter while making payment of maintenance amount to his wife and the daughter. Hence, such orders have been passed.

(3)

5. In view of the above, it would be appropriate for the Petitioner to move an application before the same Court in the same proceeding, putting forth grounds that have been set out in this Petition, seeking releasing of the amount of Rs.1,65,412/-. If such application is filed, the concerned Court would hear all the parties and pass appropriate orders.

6. With the above direction, **this Writ Petition is disposed off.**

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

sjk