



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.6096/2024

(Manohar S/o Ramchandra Sanap Vs. The State of Maharashtra and others)

Office Memoranda of Coram,

Court's or Judge's orders

appearances, Court's orders of directions
and Registrar's orders

Mr. Prashant Thakre, Advocate for the petitioner.

Mr. Devendra V. Chauhan, Senior Advocate and Government Pleader with Mr. H.D. Marathe, Assistant Government Pleader for respondent Nos.1 to 3.

CORAM: NITIN W. SAMBRE & MRS.VRUSHALI V. JOSHI, JJ.

DATED: 21.10.2024.

Heard.

2. The order impugned is dated 14.3.2024 passed by the Maharashtra Administrative Tribunal wherein the Tribunal has observed that the re-appreciation of evidence is not permissible.

3. It appears that vide order of punishment recovery is imposed.

4. The fact remains that while imposing such recovery, there is no assessment as to amount on which recovery is ordered including that of the damage caused.

5. Apart from above, once the State Government while imposing the punishment has failed to look into the evidence, the least that was expected of the Tribunal was to look into the same and record a finding dealing with the said issue. It is always open for the Tribunal to remit back the matter to the State Government for re-appreciating the evidence in case it is found that the re-appreciation is not permissible.

6. Apart from above, the order is too cryptic to deal with in extraordinary jurisdiction.

7. That being so, the order impugned dated 14.3.2022 is quashed and set aside.

8. We are restoring original application before the Maharashtra Administrative Tribunal before whom the petitioner shall appear on 13.11.2024.

9. The Tribunal shall make every endeavour to decide the original application on its merits as expeditiously as possible and in any case within a period of three months from the date of appearance.

10. with above observations, the writ petition stands partly allowed.

(MRS.VRUSHALI V.JOSHI, J.)

(NITIN W. SAMBRE, J.)