



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.1247 OF 2018

Ramesh Tatoba Barsagade, Tq. Goregaon, Dist. Gondia

-VS-

State of Maharashtra, Dept. of Social Welfare, Mantralaya, Mumbai, Thr. Secretary and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Shri P. B. Patil, Advocate for petitioner.

Shri J. Y. Ghurde, Assistant Government Pleader for respondent Nos.1 to 4.

CORAM : NTIN W. SAMBRE AND MRS VRUSHALI V. JOSHI, JJ.

DATE : November 28, 2024

1. Heard learned Counsel for the parties.
2. The petitioner came to be appointed as Hostel Superintendent on 20/06/1996 in the pay-scale of Rs.1200-996-2040 (Revised 4500-125-7000) which appointment was approved by the Divisional Social Welfare Officer, Nagpur Division, Nagpur.
3. Through this petition, the petitioner has sought a declaration that the communication dated 22/11/2016 be declared as illegal as the recovery is sought to be effected against the petitioner by observing that excess amount was paid to the petitioner.
4. Admittedly, from the record it appears that the order was passed by respondent No. 4 Assistant Commissioner, Social Welfare, Gondia without hearing the petitioner.
5. The adjustment of the amount was at the behest of respondent No. 3-Director of VJNT, OBC & SBC Welfare, Maharashtra State, Pune and that being so, we deem it appropriate to permit the petitioner to

appear before respondent No. 3 within a period of four weeks from today with his entire claim as to how the amount cannot be adjusted or ought not to have been recovered from the petitioner.

6. In case, such request is made by the petitioner in writing, we direct respondent No. 3 to deal with the same and pass a reasoned order within a period of further four weeks from the date of appearance of the petitioner before him.

7. In case, the order is adverse, we permit the petitioner to approach this Court afresh. Needless to clarify that this Court has not examined the merits of the matter and the same are kept open.

8. The petition stands disposed of accordingly. Pending Civil Application also stands disposed of accordingly. No costs.

(Mrs Vrushali V. Joshi, J.)

(Nitin W. Sambre, J.)