



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

WRIT PETITION NO. 1226 OF 2018

(Umeshkumar Shyamraao Bokade Vs. State of Maharashtra and others.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P.B. Patil, Advocate for petitioner.

Mr. N.S. Rao, Assistant Government Pleader for respondent Nos. 1 to 4.

**CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.**

DATED : 18-09-2024

Heard learned Counsel for the parties.

2. The petitioner came to be appointed as Hostel Superintendent on 1.8.2008 in the pay-scale of Rs. 5,200-20,200 in grade-pay of Rs. 2,400/-, 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 and that being so, we deem it appropriate to permit the petitioner to appear before respondent No. 3 on 1.10.2024 with his entire claim as to how the amount cannot be adjusted or ought not to have been recovered from the petitioner. 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 four weeks from the date of appearance of the petitioner.

6. 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.

7. The petition stands disposed of accordingly.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

R.S.Belkhede, PA.