

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****REVIEW PETITION NO. 113 OF 2025****IN****WRIT PETITION NO.9052 OF 2024**

The State Of Maharashtra & Anr.

.....Petitioners

Vs.

Anil Dnyanu Athawale & Ors.

.....Respondents

Mr. Abhijeet Naik, AGP for the Petitioner-State.

Mr. Narendra V. Bandiwadekar, Senior Advocate a/w Adv. Vinayak R. Kumbhar and Adv. Rajendra B. Khaire i/by Adv. Ashwini N. Bandiwadekar for the Respondent No.1.

**CORAM : A. S. GADKARI AND
M.M. SATHAYE, JJ.**

DATE : 24th JULY, 2025.

P.C.:-

1) Original Respondent Nos.1 and 2 in the Writ Petition have preferred present Review Petition seeking review of Order dated 18th July, 2024. The only ground which is raised seeking review is that, “unfortunately, certain facts regarding breakage in service were not pointed out to the concerned Bench on 18th July, 2024”.

2) Fortunately for us, the Order dated 18th July, 2024 is a speaking Order. Paragraph No.7 of the said Order reads as under:-

“7. The learned AGP was at pains to defend the impugned decision, however could not distinguish the

Petitioner's case vis-a-vis the facts of the Judgments referred above. No contrary decisions are shown. In light of the aforesaid legal position, the impugned order cannot be sustained."

3) It appears to us that, the affiant of this Review Petition i.e. Mr. Sandeep P. Sangve, Deputy Director of Education, Mumbai, did not take any pains to even give proper instructions to the concerned learned AGP, who was appearing on 18th July, 2024 and now is raising a specious plea that, unfortunately, certain facts were not brought to the notice of this Court at that time.

4) It be noted here that, on 18th July, 2024, the learned AGP appearing in the matter has in fact, put in substantial efforts in defending the said Writ Petition on behalf of the Government of Maharashtra.

5) Perusal of Order under review dated 18th July, 2024, clearly reveals that, the pleadings of both the sides and record produced before the concerned Bench on that day, have been taken into consideration and thereafter the Court proceeded to pass the Order. It is interesting to note that argument about 'breakage in service' sought to be advanced today, was not even the reason for which original impugned Order dated 20.06.2023 was passed by the same Mr. Sandeep Sangve. The only reason given therein was that appointment was after 01.11.2005, which is already noted in the Order under review.

6) Mr. Bandiwadekar, learned senior counsel for the Respondent No.1 informed us that, the affiant of this Petition namely Mr. Sandeep P. Sangve, Deputy Director of Education, Mumbai, is a habitual delinquent and he regularly causes problems in complying with the Judicial Orders.

6.1) He produced on record a list of Contempt Petitions (Contempt Petition No.379 of 2024 along with 10 connected Petitions), wherein the concerned same Officer i.e. Mr. Sandeep P. Sangve did not comply with the Orders of this Court and therefore by an Order dated 22nd October, 2024 passed in Contempt Petitions, this Court has imposed cost of Rs.30,000/- per Petition, totalling to Rs.3,30,000/- upon him. Therefore it is clear that, the said Officer appears to be habitual in violating the Orders passed by this Court and has scant respect for law of the land.

6.2) Mr. Bandiwadekar has also pointed out that, it is only after the original Petitioner pressed contempt petition complaining of non-compliance of Order dated 18th July, 2024 this review petition has been moved. He submitted that this is nothing but usual tactic adopted by concerned Officer.

7) It therefore clearly appears to us that, the said officer with a malafide intention has directed the learned AGP to file the present Review Petition only to harass the Respondent No.1 none else.

8) Respondent No.1 has retired on 31st May, 2024 and as of today he is struggling for his lawful pensionary benefits. In pursuance of Order

under review, the Respondent No.1 is entitled to get all pensionary benefits under old pension scheme with interest from retirement date (31.05.2024). However the Respondent No.1 (Original Petitioner), a citizen of India has been deprived of his legitimate dues due to the obstinate stand adopted by Mr. Sandeep P. Sangve, Deputy Director of Education, Mumbai, a government servant.

9) In view of the above, we deem it appropriate to impose a cost of Rs.5,00,000/- upon the affiant of this Review Petition. We therefore direct Mr. Sandeep P. Sangve, Deputy Director of Education, Mumbai to pay a cost of Rs.5,00,000/-, from his own pocket, to Armed Forces Battle Casualties Welfare Fund within a period of two weeks from the date of uploading of the present Order on the official website of the High Court of Bombay.

9.1) Details of the bank account for payment of cost are as under :-

Account Name :- Armed Forces Battle Casualties Welfare Fund.

Account Number :- 90552010165915.

Bank Name :- Canara Bank.

Branch :- South Block, Defence Headquarters, New Delhi –
110 011.

IFSC Code :- CNRB0019055.

9.2) The said cost of Rs.5,00,000/-, if not paid by Mr. Sandeep P. Sangve, from his own pocket, in that event, be deducted from the salary of

Mr. Sandeep P. Sangve, Deputy Director of Education, Mumbai.

9.3) This Order should serve as a deterrent and we bonafide hope that after deducting the said cost from his salary, the concerned officer will improve his conduct and will hereinafter comply with the Orders passed by this Court or any other Court.

10) After perusing entire record, we find no error apparent or any other reason to review the Order. Review Petition is accordingly dismissed with aforesaid cost.

12) List the Petition on board on 21st August, 2025, under the caption 'for reporting compliance' of present Order.

(M.M. SATHAYE, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

Digitally signed
by SANJIV
SHARNAPPA
MASHALKAR
Date: 2025.08.05
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