

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No.1104 of 2021 (S.B.)

Bhaskar Rajaram Ingale,
 Aged-48 years, Occupation – Service,
 Agricultural Supervisor at Main Office Shirla,
 under the office of Talukya Agricultural Officer, Patur, District Akola.
 Permanent Residence at Kanishka Plaza, Flat No. 5, 1st Floor, Ring
 Road, Keshav Nagar, Kaul Khed, Tq. And District Akola - 444 004.

Applicant.

Versus

1. The State of Maharashtra,
 through its Secretary Agricultural, Animal Husbandry,
 Dairy and Fisheries Development Mantralaya Extension,
 Mumbai -32.
2. The Commissioner of Agriculture,
 Maharashtra State, Pune – 01.
3. The Divisional Agricultural Joint Director, Amravati Division,
 Amravati - 444 602
4. Talukya Agricultural Officer,
 Patur, District Akola - 444 501.
5. The District Superintending Agriculture Officer, Akola, District Akola.
6. Shri. Vishal. B. Bhokare,
 Concerned Clerk, Bhandar Branch (Technical) Patur, Tq. Patur,
 District Akola. At present working as Clerk at Officer of Taluka
 Agriculture Officer, Malegoan, Near Malegaon Tehsil Officer and
 Malegoan Bus Stand, Malegaon, Tq. Malegaon, District Washim
 Malegaon-444 503.
7. Shri. S. M. Makasare,
 Concerned Talukya Agricultural Officer, Patur, District Akola.
 At present working as Technical Officer at District Superintending
 Agriculture Officer, Washim Room Nos. 211, 212, Administrative
 Building, Kata Road, Washim, District Washim - 444 505.

Respondents.

Shri Y.P. Kaslikar, Advocate for the applicant.
Shri A.P. Potnis, learned P.O. for respondent nos.1 to 5.
None for respondent nos.6 and 7.

WITH

ORIGINAL APPLICATION No.1105 of 2021 (S.B.)

Yogesh Badriprasad Chavan,
Aged 42 years, Occupation - Service Agricultural Assistant at Main
Office Babhulgaon, under the office of Talukya Agricultural Officer,
Patur, District Akola. Permanent Residence at Manik Residency, Flat
no. 301, Lahariya Nagar, Kaul Khed, Tq. and District Akola - 444 004.

Applicant.**Versus**

1. The State of Maharashtra,
through its Secretary Agricultural, Animal Husbandry,
Dairy and Fisheries Development, Mantralaya Extension,
Mumbai -32.
2. The Commissioner of Agriculture,
Maharashtra State, Pune – 01.
3. The Divisional Agricultural Joint Director, Amravati Division,
Amravati - 444 602
4. Talukya Agricultural Officer,
Patur, District Akola - 444 501.
5. The District Superintending Agriculture Officer,
Akola, District Akola.
6. Shri. Vishal. B. Bhokare,
Concerned Clerk, Bhandar Branch (Technical) Patur, Tq. Patur,
District Akola. At present working as Clerk at Officer of Taluka
Agriculture Officer, Malegaon, Near Malegaon Tehsil Officer and
Malegaon Bus Stand, Malegaon, Tq. Malegaon, District Washim
Malegaon-444 503.
7. Shri. S. M. Makasare,
Concerned Talukya Agricultural Officer, Patur, District Akola.
At present working as Technical Officer at District Superintending
Agriculture Officer, Washim Room Nos. 211, 212, Administrative
Building, Kata Road, Washim, District Washim - 444 505.

Respondents.

Shri Y.P. Kaslikar, Advocate for the applicant.

Shri A.P. Potnis, learned P.O. for respondent nos.1 to 5.

None for respondent nos.6 and 7.

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated :- 03/03/2025.

COMMON JUDGMENT

Heard Shri Y.P. Kaslikar, learned counsel for applicants, Shri A.P. Potnis, learned P.O. for respondent nos.1 to 5, none for respondent nos.6 and 7.

2. Both the applicants have challenged the recovery orders dated 23/03/2018 and 07/10/2021 (in O.A.No.1104/2021) and recovery orders dated 22/03/2019 and 08/04/2021 (in O.A.No.1105/2021). Both the applicants are working with the respondents in the Agriculture Department. The applicant in O.A.No.1104/2021 was held responsible in the departmental enquiry for misappropriating amount of Rs.4,47,575/- and applicant in O.A.No.1105/2021 was held responsible in the departmental enquiry for misappropriating amount of Rs.1,13,200/-. Both the applicants have challenged the said orders before the Appellate Authority. The appeals are pending. The applicant in O.A. 1104/2021 and applicant in O.A.No.1105/2021 have prayed to quash and set aside the impugned orders of recovery.

3. In both the O.As., affidavits-in-reply are filed. It is submitted that both the applicants have misappropriated the amount

of the Department in respect of Lokwata. During the inquiry, it was found that applicants have not utilized the amount for Lokwata Scheme, but they have misappropriated the said amount. Hence, notices / orders were issued against applicants for the recovery of misappropriated amount. Hence, the O.As are liable to be dismissed.

4. Heard learned counsel for the applicants. He has submitted that the applicants are Class-III employees and therefore the recovery cannot be made as per the Judgment of the Hon'ble Supreme Court in the case of ***State Of Punjab & Ors vs. Rafiq Masih (White Washer) reported in AIR 2015 SC 696.***

5. Heard learned P.O. for respondents. He has submitted that the Judgment of the Hon'ble Supreme Court in the case of ***State Of Punjab & Ors vs. Rafiq Masih (White Washer) (cited supra)*** is not applicable, because, it is not in respect of any excess payment made to the applicants. The recovery is in respect of misappropriated amount by the applicants. Hence, the O.As are liable to be dismissed.

6. The guidelines are given in the Judgment of the Hon'ble Supreme Court in the case of ***State Of Punjab & Ors vs. Rafiq Masih (White Washer) (cited supra)*** are not applicable in both these O.As., because, the applicants were directed to deposit the amount misappropriated by them. The Hon'ble Supreme Court in the case of

State Of Punjab & Ors vs. Rafiq Masih (White Washer) (cited *supra*) has held that if there is any excess payment made to the employees without any fault on their part, that amount cannot be recovered. Both the applicants misappropriated the amount of Department / Government and therefore they cannot say that there is no fault on their part. Therefore, cited Judgment is not applicable in the present O.As. Hence, the following order -

ORDER

- (i) The O.A No.1104/2021 and O.A No.1105/2021 are dismissed.
- (ii) No order as to costs.

Dated :- 03/03/2025.

dnk.

(Justice M.G. Giratkar)
Vice Chairman.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of P.A. : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 03/03/2025.

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