

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.270 OF 2017

DISTRICT : MUMBAI

Mr. Vilas V. Sanghai.)
Age : 67 Yrs., Occu.: Nil,)
Retired as Senior Police Inspector,)
Wadala Railway Police Station, Mumbai)
R/at 5, Shree Katyayani Bhawan C.H.S,)
T.H. Kataria Marg, Mahim (W),)
Mumbai – 400 016.)...Applicant

Versus

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|----|-----------------------------------------------|---|
| 1. | The State of Maharashtra. |) |
| | Through the Secretary, |) |
| | Controller of Accommodation, |) |
| | Having office at 19 th Floor, |) |
| | Administrative Building, |) |
| | Opp. Mantralaya, Mumbai - 400 032) | |
| 2. | The Commissioner of Police. |) |
| | Mumbai having office at Mumbai) | |
| | Police Commssionerate, L.T. Marg, |) |
| | Opp. Crawford Market, Fort, |) |
| | Mumbai - 400 001. |) |
| 3. | The Commissioner of Police |) |
| | (Railway), Mumbai, having office at |) |
| | 4 th Floor, Area Manager Building, |) |
| | P.D'Mello road, Wadi Bundar, |) |
| | Mumbai - 400 010. |) |

4. The State of Maharashtra.)
Through Principal Secretary,)
Home Department, Mantralaya,)
Mumbai - 400 032.)
5. The Accountant General.)
(M.S), Mumbai having office at)
101, Maharshi Karve Road,)
Mumbai - 400 020.)...**Respondents**

Mr. A.V. Bandiwadekar, Advocate for Applicant.

Mrs. A.B. Kololgi, Presenting Officer for Respondents.

PER : SHRI J.D. KULKARNI (VICE-CHAIRMAN)

DATE : 23.01.2018

ORDER

1. Heard Mr. A.V. Bandiwadekar, the learned Advocate for the Applicant and Mrs. A.B. Kololgi, the learned Presenting Officer for the Respondents.

2. The Applicant has sought the following relief in the O.A.

“9. By a suitable order / direction, this Hon’ble Tribunal may be pleased to set aside the order dated 25.2.2013 passed by the Respondent No.3 under which he has requested the Respondent No.5 to recover from pension amount of the Petitioner the sum of Rs.5,62,995/- towards the arrears of license fees of Rs.870/- and penalty in the sum of Rs.5,62,125/- for

having retained the Government Quarter from 1.2.2008 till 29.6.2012 and accordingly the Petitioner be granted all the consequential service benefits, as if the impugned order had not been passed including the refund of the entire amount recovered from Petitioner as per impugned order together with compensatory interest @ 12 p.c.p.a. till realization.”

3. The learned Advocate for the Applicant has placed on record a communication dated 04.12.2017 which is marked 'X' for the purposes of identification, on which it is intimated as under :

“परंतू महालेखाकार कार्यालय मुंबई यांनी त्यांचेकडील क्र. NO.[PR-९/CH-९/६०७४५१५५/६०५६५४५८](#), दिनांक - १४/११/२०१७ अन्वये श्री. संघई यांचे अनुज्ञाप्ती व दंडनीय शुल्क वसुलीबाबत कोणतेही आदेश निर्गमित केले नसल्याने तसेच या प्रकरणात या कार्यालयाकडून कोणतीही कार्यवाही केली जाणार नसलेबाबत स्पष्टपणे कळविले आहे. सदर प्रकरणी अधिदान व लेखा कार्यालय यांचेशी संपर्क साधणेबाबत कळविले आहे.

श्री. संघई से.नि.पोनि यांनी सदर प्रकरणी मा. महाराष्ट्र प्रशासकिय न्यायाधिकरण मुंबई येथे मुळ अर्ज क्र. २७०/२०१७ दाखल केलेला असुन त्यांची पुढील तारीख ०६/१२/२०१७ अशी आहे.

तरी श्री. संघई यांचे निवृत्तीवेतनातुन वसुल करण्यात आलेली अनुज्ञाप्ती व दंडनीय शुल्क रक्कम रु. ५,६२,९९५/- मधुन त्यांचेकडून प्रत्यक्षात वसुल करावयाची अनुज्ञाप्ती शुल्क रु १५,३६०/- वजाती करुन अर्वरित रक्कम त्यांना परत करणेकामी पुढील योग्यती कार्यवाही होणेस विनंती आहे.”

4. The learned P.O. has also placed on record a communication which is marked 'X1' and 'X2' respectively dated 17.01.2018 and 15.01.2018 from which it seems that necessary

proceedings have already been undertaken for refund of the amount to the Applicant.

5. The learned Advocate for the Applicant submitted that the application, therefore, can be disposed of in view of this subsequent development. He, however, submitted that the Respondents be directed to refund the amount within a stipulated period and if the same is not refunded within the stipulated period, the Applicant be given liberty to file representation for interest.

6. In view thereof, the following order.

7. The Original Application stands disposed of with direction to the Respondents to refund the amount recovered from the Applicant within eight weeks, failing which the Applicant may claim interest by filing the representation to the Respondents. No order as to costs.

Sd/-

(J.D. Kulkarni)
Vice-Chairman
23.01.2018

Mumbai

Date : 23.01.2018

Dictation taken by :

S.K. Wamanse.

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