# IN THE HIGH COURT OF JUDICATURE AT BOMBAY
# CIVIL APPELLATE JURISDICTION

## WRIT PETITION NO. 3120 OF 2020

**Dattu S/o. Ashruba Sangle**,
Age : 56 years, Occ.:Service,
R/o. Flat No. 14, Sunny Center,
New Mondha, Pisadevi Road,
Aurangabad. ...Petitioner

Versus

1. **The State of Maharashtra**,
   Through its Secretary,
   Welfare of Vimukta Jatis, Nomadic Tribe,
   Other Backward Class and Special Backward
   Class Department, Mantralaya, Mumbai-32.
   (Copy to be served on AGP of High Court of
   Bombay Bench at Aurangabad).

2. **The Managing Director**,
   Vasantrao Naik Vimukta Jatis & Nomadic Tribes
   Development Corporation Ltd.,
   Juhu Supreme Shopping Center,
   Gulmohar Cross Road No. 9,
   J(RAUTT) Maski D.P.V. Vile Parle (West),
   Mumbai-400 049. ...Respondents

## WITH
## WRIT PETITION NO. 10816 OF 2019

**Sandeep S/o. Shivram Chavan**,
Age : 42 years, Occ.:Service,
R/o. Gupta Road Chaal, Near Sai Baba Mandir,
Jai Hind Nagar, Khar (East). ...Petitioner

Versus

1. **The State of Maharashtra**,
   Through its Secretary,
   Welfare of Vimukta Jatis, Nomadic Tribe,
   Other Backward Class and Special Backward
   Class Department, Mantralaya, Mumbai-32.
   (Copy to be served on AGP of High Court of
   Bombay Bench at Aurangabad).

2. **The Managing Director**,
   Vasantrao Naik Vimukta Jatis & Nomadic Tribes
   Development Corporation Ltd.,
   Juhu Supreme Shopping Center,
   Gulmohar Cross Road No. 9,
   J(RAUTT) Maski D.P.V. Vile Parle (West),
   Mumbai-400 049. ...Respondents

**WITH**
**INTERIM APPLICATION NO. 1486 OF 2019**
**IN**
**WRIT PETITION NO. 10816 OF 2019**

**Vasantrao Naik Vimukta Jatis & Nomadic Tribes Development Corporation Ltd.**,
Juhu Supreme Shopping Center,
Gulmohar Cross Road No. 9,
J.V.P.D. Vile Parle (West),
Mumbai-400 049. ...Applicant

Versus

1. **Sandeep S/o. Shivram Chavan**,
   Age : 42 years, Occ.:Service,
   R/o. Gupta Road Chaal, Near Sai Baba Mandir,
   Jai Hind Nagar, Khar (East).

2. **The State of Maharashtra**,
   Social Welfare Department
   To be served on Government Pleader,
   Appellate Side, Aurangabad High Court. ...Respondents

**WITH**
**WRIT PETITION NO. 10817 OF 2019**

**Sow. Madhavi Indrasen Rele**,
Age : 59 years, Occ.:Service,
R/o. A-401, 4th Floor, United Enclave Co-op.
Housing Society Ltd., 60 Feet Road,
Sant Kabir Road, Mahim. ...Petitioner

Versus

1. **The State of Maharashtra**,
   Through its Secretary,
   Welfare of Vimukta Jatis, Nomadic Tribe,
   Other Backward Class and Special Backward
   Class Department, Mantralaya, Mumbai-32.
   (Copy to be served on AGP of High Court of
   Bombay Bench at Aurangabad).

2. **The Managing Director**,
   Vasantrao Naik Vimukta Jatis & Nomadic Tribes
   Development Corporation Ltd.,
   Juhu Supreme Shopping Center,
   Gulmohar Cross Road No. 9,
   J(RAUTT) Maski D.P.V. Vile Parle (West),
   Mumbai-400 049. ...Respondents

**WITH**
**INTERIM APPLICATION NO. 1462 OF 2019**
**IN**
**WRIT PETITION NO. 10817 OF 2019**

**Vasantrao Naik Vimukta Jatis & Nomadic Tribes Development Corporation Ltd.**,
Juhu Supreme Shopping Center,
Gulmohar Cross Road No. 9,
J.V..P.D. Vile Parle (West),
Mumbai-400 049. ...Applicant

Versus

1. **Sow. Madhavi Indrasen Rele**,
   Age : 59 years, Occ.:Service,
   R/o. A-401, 4th Floor, United Enclave Co-op.
   Housing Society Ltd., 60 Feet Road,
   Sant Kabir Road, Mahim.

2. **The State of Maharashtra**,
   Social Welfare Department
   To be served on Government Pleader,
   Appellate Side, Aurangabad High Court. ...Respondents

**WITH**
**WRIT PETITION NO. 10818 OF 2019**

**Popat S/o. Bajinath Gite**,
Age : 51 years, Occ.:Service,
R/o. H-2/512, 5th Floor, Suwarnalekha Lokagram
Co-op. Housing Society Ltd.,
Lokkalyan HIG School, Kalyan (East). ...Petitioner

Versus

1. **The State of Maharashtra**,
   Through its Secretary,
   Welfare of Vimukta Jatis, Nomadic Tribe,
   Other Backward Class and Special Backward
   Class Department, Mantralaya, Mumbai-32.
   (Copy to be served on AGP of High Court of
   Bombay Bench at Aurangabad).

2. **The Managing Director**,
   Vasantrao Naik Vimukta Jatis & Nomadic Tribes
   Development Corporation Ltd.,
   Juhu Supreme Shopping Center,
   Gulmohar Cross Road No. 9,
   J(RAUTT) Maski D.P.V. Vile Parle (West),
   Mumbai-400 049. ...Respondents

**WITH**
**INTERIM APPLICATION NO. 1459 OF 2019**
**IN**
**WRIT PETITION NO. 10818 OF 2019**

**Vasantrao Naik Vimukta Jatis & Nomadic Tribes Development Corporation Ltd.**,
Juhu Supreme Shopping Center,
Gulmohar Cross Road No. 9,
J.V.P.D. Vile Parle (West),
Mumbai-400 049. ...Applicant

Versus

1. **Popat S/o. Bajinath Gite**,
   Age : 51 years, Occ.:Service,
   R/o. H-2/512, 5th Floor, Suwarnalekha Lokagram
   Co-op. Housing Society Ltd.,
   Lokkalyan HIG School, Kalyan (East).

2. **The State of Maharashtra**,
   Social Welfare Department
   To be served on Government Pleader,
   Appellate Side, Aurangabad High Court. ...Respondents

**WITH**
**WRIT PETITION NO. 10819 OF 2019**

**Mohan S/o. Namdev Patole**,
Age : Major, Occ.:Service,
R/o. At Post Khatav, Taluka-Khatav,
District-Satara. ...Petitioner

Versus

1. **The State of Maharashtra**,
   Through its Secretary,
   Welfare of Vimukta Jatis, Nomadic Tribe,
   Other Backward Class and Special Backward
   Class Department, Mantralaya, Mumbai-32.
   (Copy to be served on AGP of High Court of
   Bombay Bench at Aurangabad).

2. **The Managing Director**,
   Vasantrao Naik Vimukta Jatis & Nomadic Tribes
   Development Corporation Ltd.,
   Juhu Supreme Shopping Center,
   Gulmohar Cross Road No. 9,
   J(RAUTT) Maski D.P.V. Vile Parle (West),
   Mumbai-400 049. ...Respondents

**WITH**
**INTERIM APPLICATION NO. 1455 OF 2019**
**IN**
**WRIT PETITION NO. 10819 OF 2019**

**Vasantrao Naik Vimukta Jatis & Nomadic Tribes Development Corporation Ltd.**,
Juhu Supreme Shopping Center,
Gulmohar Cross Road No. 9,
J.V.P.D. Vile Parle (West),
Mumbai-400 049. ...Applicant

Versus

1. **Mohan S/o. Namdev Patole**,
   Age : Major, Occ.:Service,
   R/o. At Post Khatav, Taluka-Khatav,
   District-Satara.

2. **The State of Maharashtra**,
   Social Welfare Department
   To be served on Government Pleader,
   Appellate Side, Aurangabad High Court. ...Respondents

**WITH**
**WRIT PETITION NO. 10820 OF 2019**

**Pratap S/o. Ragunath Pawar**,
Age : 46 years, Occ.:Service,
R/o. At Post Shirur, Taluka-Shirur,
District-Pune. ...Petitioner

Versus

1. **The State of Maharashtra**,
   Through its Secretary,
   Welfare of Vimukta Jatis, Nomadic Tribe,
   Other Backward Class and Special Backward
   Class Department, Mantralaya, Mumbai-32.
   (Copy to be served on AGP of High Court of
   Bombay Bench at Aurangabad).

2. **The Managing Director**,
   Vasantrao Naik Vimukta Jatis & Nomadic Tribes
   Development Corporation Ltd.,
   Juhu Supreme Shopping Center,
   Gulmohar Cross Road No. 9,
   J(RAUTT) Maski D.P.V. Vile Parle (West),
   Mumbai-400 049. ...Respondents

**WITH**
**INTERIM APPLICATION NO. 1453 OF 2019**
**IN**
**WRIT PETITION NO. 10820 OF 2019**

**Vasantrao Naik Vimukta Jatis & Nomadic Tribes Development Corporation Ltd.**,
Juhu Supreme Shopping Center,
Gulmohar Cross Road No. 9,
J.V.P.D. Vile Parle (West),
Mumbai-400 049. ...Applicant

Versus

1. **Pratap S/o. Ragunath Pawar**,
   Age : 46 years, Occ.:Service,
   R/o. At Post Shirur, Taluka-Shirur,
   District-Pune.

2. **The State of Maharashtra**,
   Social Welfare Department
   To be served on Government Pleader,
   Appellate Side, Aurangabad High Court. ...Respondents

**WITH**
**WRIT PETITION NO. 10821 OF 2019**

**Pramod S/o. Nathuram Gurav**,
Age : 48 years, Occ.:Service,
R/o. At Post Vele (Kumathi),
Taluka & District-Satara. ...Petitioner

Versus

1. **The State of Maharashtra**,
   Through its Secretary,
   Welfare of Vimukta Jatis, Nomadic Tribe,
   Other Backward Class and Special Backward
   Class Department, Mantralaya, Mumbai-32.
   (Copy to be served on AGP of High Court of
   Bombay Bench at Aurangabad).

2. **The Managing Director**,
   Vasantrao Naik Vimukta Jatis & Nomadic Tribes
   Development Corporation Ltd.,
   Juhu Supreme Shopping Center,
   Gulmohar Cross Road No. 9,
   J(RAUTT) Maski D.P.V. Vile Parle (West),
   Mumbai-400 049. ...Respondents

**WITH**
**INTERIM APPLICATION NO. 1449 OF 2019**
**IN**
**WRIT PETITION NO. 10821 OF 2019**

**Vasantrao Naik Vimukta Jatis & Nomadic Tribes Development Corporation Ltd.**,
Juhu Supreme Shopping Center,
Gulmohar Cross Road No. 9,
J.V.P.D. Vile Parle (West),
Mumbai-400 049. ...Applicant

Versus

1. **Pramod S/o. Nathuram Gurav**,
   Age : 48 years, Occ.:Service,
   R/o. At Post Vele (Kumathi),
   Taluka & District-Satara.

2. **The State of Maharashtra**,
   Social Welfare Department
   To be served on Government Pleader,
   Appellate Side, Aurangabad High Court. ...Respondents

**WITH**
**WRIT PETITION NO. 10822 OF 2019**

**Kiran S/o. Mahadeo Girhe**,
Age : 29 years, Occ.:Service,
R/o. C/o. Sagar Bhagawan Bhosale,
At Post Shahupuri, Behind Khataukar Colony,
Plot No. 16, Samata Housing Society,
Taluka & District-Satara. ...Petitioner

Versus

1. **The State of Maharashtra**,
   Through its Secretary,
   Welfare of Vimukta Jatis, Nomadic Tribe,
   Other Backward Class and Special Backward
   Class Department, Mantralaya, Mumbai-32.
   (Copy to be served on AGP of High Court of
   Bombay Bench at Aurangabad).

2. **The Managing Director**,
   Vasantrao Naik Vimukta Jatis & Nomadic Tribes
   Development Corporation Ltd.,
   Juhu Supreme Shopping Center,
   Gulmohar Cross Road No. 9,
   J(RAUTT) Maski D.P.V. Vile Parle (West),
   Mumbai-400 049. ...Respondents

**WITH**
**INTERIM APPLICATION NO. 1446 OF 2019**
**IN**
**WRIT PETITION NO. 10822 OF 2019**

**Vasantrao Naik Vimukta Jatis & Nomadic Tribes**
**Development Corporation Ltd.**,
Juhu Supreme Shopping Center,
Gulmohar Cross Road No. 9,
J.V.P.D. Vile Parle (West),
Mumbai-400 049. ...Applicant

Versus

1. **Kiran S/o. Mahadeo Girhe**,
   Age : 29 years, Occ.:Service,
   R/o. C/o. Sagar Bhagawan Bhosale,
   At Post Shahupuri, Behind Khataukar Colony,
   Plot No. 16, Samata Housing Society,
   Taluka & District-Satara.

2. **The State of Maharashtra**,
   Social Welfare Department
   To be served on Government Pleader,
   Appellate Side, Aurangabad High Court. ...Respondents

**WITH**
**WRIT PETITION NO. 10823 OF 2019**

**Shrikant S/o. Gangaram Chaukekar**,
Age : 58 years, Occ.:Service,
R/o. A-4/016, Nupur Lokpuram,
Pokhran Road No. 2, Thane (West),
Taluka & District-Thane. ...Petitioner

Versus

1. **The State of Maharashtra**,
   Through its Secretary,
   Welfare of Vimukta Jatis, Nomadic Tribe,
   Other Backward Class and Special Backward
   Class Department, Mantralaya, Mumbai-32.
   (Copy to be served on AGP of High Court of
   Bombay Bench at Aurangabad).

2. **The Managing Director**,
   Vasantrao Naik Vimukta Jatis & Nomadic Tribes
   Development Corporation Ltd.,
   Juhu Supreme Shopping Center,
   Gulmohar Cross Road No. 9,
   J(RAUTT) Maski D.P.V. Vile Parle (West),
   Mumbai-400 049. ...Respondents

**WITH**
**INTERIM APPLICATION NO. 1441 OF 2019**
**IN**
**WRIT PETITION NO. 10823 OF 2019**

**Vasantrao Naik Vimukta Jatis & Nomadic Tribes Development Corporation Ltd.**,
Juhu Supreme Shopping Center,
Gulmohar Cross Road No. 9,
J.V.P.D. Vile Parle (West),
Mumbai-400 049. ...Applicant

Versus

1. **Shrikant S/o. Gangaram Chaukekar**,
   Age : 58 years, Occ.:Service,
   R/o. A-4/016, Nupur Lokpuram,
   Pokhran Road No. 2, Thane (West),
   Taluka & District-Thane.

2. **The State of Maharashtra**,
   Social Welfare Department
   To be served on Government Pleader,
   Appellate Side, Aurangabad High Court. ...Respondents

**WITH**
**WRIT PETITION NO. 10824 OF 2019**

**Kishor S/o. Tukaram Wani**,
Age : 52 years, Occ.:Service,
R/o. Ward No. 4, Vaishali Nagar, Mhasala,
Taluka & District-Wardha. ...Petitioner

Versus

1. **The State of Maharashtra**,
   Through its Secretary,
   Welfare of Vimukta Jatis, Nomadic Tribe,
   Other Backward Class and Special Backward
   Class Department, Mantralaya, Mumbai-32.
   (Copy to be served on AGP of High Court of
   Bombay Bench at Aurangabad).

2. **The Managing Director**,
   Vasantrao Naik Vimukta Jatis & Nomadic Tribes
   Development Corporation Ltd.,
   Juhu Supreme Shopping Center,
   Gulmohar Cross Road No. 9,
   J(RAUTT) Maski D.P.V. Vile Parle (West),
   Mumbai-400 049. ...Respondents

**WITH**
**INTERIM APPLICATION NO. 1443 OF 2019**
**IN**
**WRIT PETITION NO. 10824 OF 2019**

**Vasantrao Naik Vimukta Jatis & Nomadic Tribes Development Corporation Ltd.**,
Juhu Supreme Shopping Center,
Gulmohar Cross Road No. 9,
J.V.P.D. Vile Parle (West),
Mumbai-400 049. ...Applicant

Versus

1. **Kishor S/o. Tukaram Wani**,
   Age : 52 years, Occ.:Service,
   R/o. Ward No. 4, Vaishali Nagar, Mhasala,
   Taluka & District-Wardha.

2. **The State of Maharashtra**,
   Social Welfare Department
   To be served on Government Pleader,
   Appellate Side, Aurangabad High Court. ...Respondents

**WITH**
**WRIT PETITION NO. 10825 OF 2019**

**Sanjeevkumar S/o. Ramsingh Badgujar**,
Age : 49 years, Occ.:Service,
R/o. 278, Shukrawar Peth, Old Barvewada,
Near Chinchechi Talim, Pune,
Taluka & District-Pune. ...Petitioner

Versus

1. **The State of Maharashtra**,
   Through its Secretary,
   Welfare of Vimukta Jatis, Nomadic Tribe,
   Other Backward Class and Special Backward
   Class Department, Mantralaya, Mumbai-32.
   (Copy to be served on AGP of High Court of
   Bombay Bench at Aurangabad).

2. **The Managing Director**,
   Vasantrao Naik Vimukta Jatis & Nomadic Tribes
   Development Corporation Ltd.,
   Juhu Supreme Shopping Center,
   Gulmohar Cross Road No. 9,
   J(RAUTT) Maski D.P.V. Vile Parle (West),
   Mumbai-400 049. ...Respondents

**WITH**
**INTERIM APPLICATION NO. 1445 OF 2019**
**IN**
**WRIT PETITION NO. 10825 OF 2019**

**Vasantrao Naik Vimukta Jatis & Nomadic Tribes Development Corporation Ltd.**,
Juhu Supreme Shopping Center,
Gulmohar Cross Road No. 9,
J.V.P.D. Vile Parle (West),
Mumbai-400 049. ...Applicant

Versus

1. **Sanjeevkumar S/o. Ramsingh Badgujar**,
   Age : 49 years, Occ.:Service,
   R/o. 278, Shukrawar Peth, Old Barvewada,
   Near Chinchechi Talim, Pune,
   Taluka & District-Pune.

2. **The State of Maharashtra**,
   Social Welfare Department
   To be served on Government Pleader,
   Appellate Side, Aurangabad High Court. ...Respondents

**WITH**
**WRIT PETITION NO. 13168 OF 2019**

**Laxman S/o. Jagannath Chopde**,
Age : 50 years, Occ.:Service,
R/o. At Post Rahuri (Kh), Near Z.P. School,
Taluka-Rahuri, District-Ahmednagar. ...Petitioner

Versus

1. **The State of Maharashtra**,
   Through its Secretary,
   Welfare of Vimukta Jatis, Nomadic Tribe,
   Other Backward Class and Special Backward
   Class Department, Mantralaya, Mumbai-32.
   (Copy to be served on AGP of High Court of
   Bombay Bench at Aurangabad).

2. **The Managing Director**,
   Vasantrao Naik Vimukta Jatis & Nomadic Tribes
   Development Corporation Ltd.,
   Juhu Supreme Shopping Center,
   Gulmohar Cross Road No. 9,
   J(RAUTT) Maski D.P.V. Vile Parle (West),
   Mumbai-400 049. ...Respondents

**WITH**
**CIVIL APPLICATION NO. 276 OF 2020**
**IN**
**WRIT PETITION NO. 13168 OF 2019**

**Vasantrao Naik Vimukta Jatis & Nomadic Tribes Development Corporation Ltd.**,
Juhu Supreme Shopping Center,
Gulmohar Cross Road No. 9,
J.V.P.D. Vile Parle (West),
Mumbai-400 049. ...Applicant

Versus

1. **Laxman S/o. Jagannath Chopde**,
   Age : 50 years, Occ.:Service,
   R/o. At Post Rahuri (Kh), Near Z.P. School,
   Taluka-Rahuri, District-Ahmednagar.

2. **The State of Maharashtra**,
   Social Welfare Department
   To be served on Government Pleader,
   Appellate Side, Aurangabad High Court. ...Respondents

**WITH**
**WRIT PETITION NO. 13169 OF 2019**

**Husain S/o. Govindrao Atram**,
Age : 48 years, Occ.:Service,
R/o. At Post Vardhman Vishwa,
Ward No. 1, behind Tuljabhavani Mandir,
Borgaon Mege, Taluka & District-Wardha. ...Petitioner

Versus

1. **The State of Maharashtra**,
   Through its Secretary,
   Welfare of Vimukta Jatis, Nomadic Tribe,
   Other Backward Class and Special Backward
   Class Department, Mantralaya, Mumbai-32.
   (Copy to be served on AGP of High Court of
   Bombay Bench at Aurangabad).

2. **The Managing Director**,
   Vasantrao Naik Vimukta Jatis & Nomadic Tribes
   Development Corporation Ltd.,
   Juhu Supreme Shopping Center,
   Gulmohar Cross Road No. 9,
   J(RAUTT) Maski D.P.V. Vile Parle (West),
   Mumbai-400 049. ...Respondents

**WITH**
**CIVIL APPLICATION NO. 2393 OF 2019**
**IN**
**WRIT PETITION NO. 13169 OF 2019**

**Vasantrao Naik Vimukta Jatis & Nomadic Tribes**
**Development Corporation Ltd.**,
Juhu Supreme Shopping Center,
Gulmohar Cross Road No. 9,
J.V.P.D. Vile Parle (West),
Mumbai-400 049. ...Applicant

Versus

1. **Husain S/o. Govindrao Atram**,
   Age : 48 years, Occ.:Service,
   R/o. At Post Vardhman Vishwa,
   Ward No. 1, behind Tuljabhavani Mandir,
   Borgaon Mege, Taluka & District-Wardha.

2. **The State of Maharashtra**,
   Social Welfare Department
   To be served on Government Pleader,
   Appellate Side, Aurangabad High Court. ...Respondents

**WITH**
**WRIT PETITION NO. 13170 OF 2019**

**Bhimrao S/o Lahu Naik**,
Age : 51 years, Occ.:Service,
R/o. At Post Hadapsar Pune,
Taluka & District Pune. ...Petitioner

Versus

1. **The State of Maharashtra**,
   Through its Secretary,
   Welfare of Vimukta Jatis, Nomadic Tribe,
   Other Backward Class and Special Backward
   Class Department, Mantralaya, Mumbai-32.
   (Copy to be served on AGP of High Court of
   Bombay Bench at Aurangabad).

2. **The Managing Director**,
   Vasantrao Naik Vimukta Jatis & Nomadic Tribes
   Development Corporation Ltd.,
   Juhu Supreme Shopping Center,
   Gulmohar Cross Road No. 9,
   J(RAUTT) Maski D.P.V. Vile Parle (West),
   Mumbai-400 049. ...Respondents

**WITH**
**CIVIL APPLICATION NO. 2394 OF 2019**
**IN**
**WRIT PETITION NO. 13170 OF 2019**

**Vasantrao Naik Vimukta Jatis & Nomadic Tribes Development Corporation Ltd.**,
Juhu Supreme Shopping Center,
Gulmohar Cross Road No. 9,
J.V.P.D. Vile Parle (West),
Mumbai-400 049. ...Applicant

Versus

1. **Bhimrao S/o Lahu Naik**,
   Age : 51 years, Occ.:Service,
   R/o. At Post Hadapsar Pune,
   Taluka & District Pune.

2. **The State of Maharashtra**,
   Social Welfare Department
   To be served on Government Pleader,
   Appellate Side, Aurangabad High Court. ...Respondents

**WITH**
**WRIT PETITION NO. 13171 OF 2019**

**Sharad S/o. Ravan Naik**,
Age : 57 years, Occ.:Service,
R/o. Flat No. 17, Siddheshwar Housing Society,
Old Ausa Road, Latur,
Taluka & District-Latur. ...Petitioner

Versus

1. **The State of Maharashtra**,
   Through its Secretary,
   Welfare of Vimukta Jatis, Nomadic Tribe,
   Other Backward Class and Special Backward
   Class Department, Mantralaya, Mumbai-32.
   (Copy to be served on AGP of High Court of
   Bombay Bench at Aurangabad).

2. **The Managing Director**,
   Vasantrao Naik Vimukta Jatis & Nomadic Tribes
   Development Corporation Ltd.,
   Juhu Supreme Shopping Center,
   Gulmohar Cross Road No. 9,
   J(RAUTT) Maski D.P.V. Vile Parle (West),
   Mumbai-400 049. ...Respondents

**WITH**
**WRIT PETITION NO. 13173 OF 2019**

**Hemant S/o. Laxmanrao Lambe**,
Age : 54 years, Occ.:Service,
R/o. Date College Road, Behind Vishwashanti
Buddhavihar, Old Umarsara,
Taluka & District-Yavatmal. ...Petitioner

Versus

1. **The State of Maharashtra**,
   Through its Secretary,
   Welfare of Vimukta Jatis, Nomadic Tribe,
   Other Backward Class and Special Backward
   Class Department, Mantralaya, Mumbai-32.
   (Copy to be served on AGP of High Court of
   Bombay Bench at Aurangabad).

2. **The Managing Director**,
   Vasantrao Naik Vimukta Jatis & Nomadic Tribes
   Development Corporation Ltd.,
   Juhu Supreme Shopping Center,
   Gulmohar Cross Road No. 9,
   J(RAUTT) Maski D.P.V. Vile Parle (West),
   Mumbai-400 049. ...Respondents

**WITH**
**WRIT PETITION NO. 13175 OF 2019**

**Chhaya Prakash Gaydhane**,
Age : 58 years, Occ.:Service,
R/o. Flat No. 1205, B-Wing, 12th Floor,
Rachana Medhsparsh Apartment,
Swalambi Nagar, Bhende Lay Out Nagpur. ...Petitioner

Versus

1. **The State of Maharashtra**,
   Through its Secretary,
   Welfare of Vimukta Jatis, Nomadic Tribe,
   Other Backward Class and Special Backward
   Class Department, Mantralaya, Mumbai-32.
   (Copy to be served on AGP of High Court of
   Bombay Bench at Aurangabad).

2. **The Managing Director**,
   Vasantrao Naik Vimukta Jatis & Nomadic Tribes
   Development Corporation Ltd.,
   Juhu Supreme Shopping Center,
   Gulmohar Cross Road No. 9,
   J(RAUTT) Maski D.P.V. Vile Parle (West),
   Mumbai-400 049. ...Respondents

**WITH**
**WRIT PETITION NO. 3116 OF 2020**

**Dadasaheb S/o. Ravan Gaikwad**,
Age : 56 years, Occ.:Service,
R/o. Near Bharatiya Vidyapith,
Konark Nagar, Solapur,
Taluka & District-Solapur. ...Petitioner

Versus

1. **The State of Maharashtra**,
   Through its Secretary,
   Welfare of Vimukta Jatis, Nomadic Tribe,
   Other Backward Class and Special Backward
   Class Department, Mantralaya, Mumbai-32.
   (Copy to be served on AGP of High Court of
   Bombay Bench at Aurangabad).

2. **The Managing Director**,
   Vasantrao Naik Vimukta Jatis & Nomadic Tribes
   Development Corporation Ltd.,
   Juhu Supreme Shopping Center,
   Gulmohar Cross Road No. 9,
   J(RAUTT) Maski D.P.V. Vile Parle (West),
   Mumbai-400 049. ...Respondents

**WITH**
**WRIT PETITION NO. 3117 OF 2020**

**Sudam S/o. Sopanrao Salve**,
Age : 48 years, Occ.:Service,
R/o. Balaji Nagar, Northern Side of Trimurti,
Parbhani, Taluka & District-Parbhani. ...Petitioner

Versus

1. **The State of Maharashtra**,
   Through its Secretary,
   Welfare of Vimukta Jatis, Nomadic Tribe,
   Other Backward Class and Special Backward
   Class Department, Mantralaya, Mumbai-32.
   (Copy to be served on AGP of High Court of
   Bombay Bench at Aurangabad).

2. **The Managing Director**,
   Vasantrao Naik Vimukta Jatis & Nomadic Tribes
   Development Corporation Ltd.,
   Juhu Supreme Shopping Center,
   Gulmohar Cross Road No. 9,
   J(RAUTT) Maski D.P.V. Vile Parle (West),
   Mumbai-400 049. ...Respondents

**WITH**
**CIVIL APPLICATION NO. 272 OF 2020**
**IN**
**WRIT PETITION NO. 3117 OF 2020**

**Vasantrao Naik Vimukta Jatis & Nomadic Tribes Development Corporation Ltd.**,
Juhu Supreme Shopping Center,
Gulmohar Cross Road No. 9,
J.V.P.D. Vile Parle (West),
Mumbai-400 049. ...Applicant

Versus

1. **Sudam S/o. Sopanrao Salve**,
   Age : 48 years, Occ.:Service,
   R/o. Balaji Nagar, Northern Side of Trimurti,
   Parbhani, Taluka & District-Parbhani.

2. **The State of Maharashtra**,
   Social Welfare Department
   To be served on Government Pleader,
   Appellate Side, Aurangabad High Court. ...Respondents

**WITH**
**WRIT PETITION NO. 3118 OF 2020**

**Shailja W/o. Pralhad Kale**,
Age : 54 years, Occ.:Service,
R/o. B-8, Konark Nagar,
Siddhivinayak Complex Solapur,
Taluka & District-Solapur. ...Petitioner

Versus

1. **The State of Maharashtra**,
   Through its Secretary,
   Welfare of Vimukta Jatis, Nomadic Tribe,
   Other Backward Class and Special Backward
   Class Department, Mantralaya, Mumbai-32.
   (Copy to be served on AGP of High Court of
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2. **The Managing Director**,
   Vasantrao Naik Vimukta Jatis & Nomadic Tribes
   Development Corporation Ltd.,
   Juhu Supreme Shopping Center,
   Gulmohar Cross Road No. 9,
   J(RAUTT) Maski D.P.V. Vile Parle (West),
   Mumbai-400 049. ...Respondents

**WITH**
**CIVIL APPLICATION NO. 273 OF 2020**
**IN**
**WRIT PETITION NO. 3118 OF 2020**

**Vasantrao Naik Vimukta Jatis & Nomadic Tribes Development Corporation Ltd.**,
Juhu Supreme Shopping Center,
Gulmohar Cross Road No. 9,
J.VP.D. Vile Parle (West),
Mumbai-400 049. ...Applicant

Versus

1. **Shailja W/o. Pralhad Kale**,
   Age : 54 years, Occ.:Service,
   R/o. B-8, Konark Nagar,
   Siddhivinayak Complex Solapur,
   Taluka & District-Solapur.

2. **The State of Maharashtra**,
   Social Welfare Department
   To be served on Government Pleader,
   Appellate Side, Aurangabad High Court. ...Respondents

**WITH**
**WRIT PETITION NO. 3119 OF 2020**

**Ramlal S/o Devidas Choudhari**,
Age : 49 years, Occ.:Service,
R/o. New Shantiniketan Colony, Jawahar Nagar,
Aurangabad, Taluka & District-Aurangabad.
...Petitioner

Versus

1. **The State of Maharashtra**,
   Through its Secretary,
   Welfare of Vimukta Jatis, Nomadic Tribe,
   Other Backward Class and Special Backward
   Class Department, Mantralaya, Mumbai-32.
   (Copy to be served on AGP of High Court of
   Bombay Bench at Aurangabad).

2. **The Managing Director**,
   Vasantrao Naik Vimukta Jatis & Nomadic Tribes
   Development Corporation Ltd.,
   Juhu Supreme Shopping Center,
   Gulmohar Cross Road No. 9,
   J(RAUTT) Maski D.P.V. Vile Parle (West),
   Mumbai-400 049. ...Respondents

**WITH**
**CIVIL APPLICATION NO. 274 OF 2020**
**IN**
**WRIT PETITION NO. 3119 OF 2020**

**Vasantrao Naik Vimukta Jatis & Nomadic Tribes**
**Development Corporation Ltd.**,
Juhu Supreme Shopping Center,
Gulmohar Cross Road No. 9,
J.V.P.D. Vile Parle (West),
Mumbai-400 049. ...Applicant

Versus

1. **Ramlal S/o Devidas Choudhari**,
   Age : 49 years, Occ.:Service,
   R/o. New Shantiniketan Colony, Jawahar Nagar,
   Aurangabad, Taluka & District-Aurangabad.

2. **The State of Maharashtra**,
   Social Welfare Department
   To be served on Government Pleader,
   Appellate Side, Aurangabad High Court. ...Respondents

**WITH**
**WRIT PETITION NO. 1424 OF 2023**

**Santosh S/o. Gopal Rane**,
Age : 50 years, Occupation:Service,
R/o. D-503, Shree Ameya Co-op. Housing Society,
Chogle Nagar, Borivali (E), Mumbai – 66. ...Petitioner

Versus

1. **The State of Maharashtra**,
   Through the Principal Secretary,
   Welfare of Vimukta Jatis, Nomadic Tribes,
   Other Backward Classes and Special Backward
   Class Department, Mantralaya, Mumbai-400 032.

2. **The Managing Director**,
Vasantrao Naik Vimukta Jatis & Nomadic Tribes
Development Corporation Limited,
Juhu Supreme Shopping Center,
Gulmohar Cross Road No. 9,
J(RAUTT) Maski D.P.V. Vile Parle (West),
Mumbai-400 049.
(Respondent No. 1 to be served through
Government Pleader, High Court of Bombay) ...Respondents

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Mr. Ashwin V. Sakolkar i/b Mr. Vikrant S. Valse, Advocate for the Petitioners in all the matters.

Mr. P. P. Kakade, Addl.G.P. a/w Mr. Kedar Dighe, Addl.G.P., Ms. Priyanka Chavan, AGP, Ms. Pooja Joshi-Deshpande, AGP, Ms. Nisha Mehra, AGP, Ms. P. N. Diwan, AGP, Mr. S. H. Kankal, AGP, Mr. Abhijeet Naik, AGP, Ms. D. S. Deshmukh, AGP, Mr. Abhishek Bhadang, AGP, Mr. Karan Thorat, 'B' Panel Counsel, for the State-Respondent in all the matters.

Mr. Nishigandh N. Patil, Advocate for Respondent No. 2 in all the matters.

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**CORAM : RAVINDRA V. GHUGE &**
**ASHWIN D. BHOBE, JJ.**

**RESERVED ON : 22nd SEPTEMBER, 2025.**
**PRONOUNCED ON : 19th NOVEMBER, 2025.**

**JUDGMENT (*Per Ashwin D. Bhobe, J.*) :-**

**1.** Heard Mr. Ashwin Sakolkar, learned Advocate for the Petitioners, respective learned AGPs for the State-Respondent and Mr. Nishigandh Patil, learned Advocate for Respondent No. 2.

**2.** The learned Advocates for the parties jointly submit that since the points/issues raised in all these Petitions are similar, as such all these Petitions can be heard together and disposed off by a common judgment.

They further submit that facts in all these Petitions are almost similar and Writ Petition No. 3120 of 2020 be considered as a lead Petition.

**3.** Rule. Rule made returnable forthwith. Heard all the Petitions finally with the consent of learned Advocates appearing for the parties.

**4.** Grievance of the Petitioners in the present Petitions is against the orders dated 21/02/2019 and 06/03/2019 passed by the Managing Director of Vasantrao Naik Vimukat Jatis and Nomadic Tribes, Development Corporation Ltd. (VJ & NT Corporation Ltd.), by which Respondent No. 2 has directed recovery of amount of the increments and recovery of benefits of the 6th Pay Commission paid to the Petitioners from 01/01/2006.

**5.** The facts leading to filing of these Petitions are as under :-

a. Petitioners in the Petition are employees of VJ & NT Corporation Ltd. Petitioners are/were working on various posts viz. Class-II, Class-III and Class-IV categories. VJ & NT Corporation Ltd. is a Government of Maharashtra Undertaking. Aims and object of VJ & NT Corporation Ltd. is to provide financial assistance by way of subsidized loans to a person belonging to VJ & NT Community, as notified by the Government of Maharashtra. VJ & NT Corporation Ltd. is fully funded by the Government of Maharashtra. Respondent No. 2 is the Managing Director

of VJ & NT Corporation Ltd.

b. Vide Government Resolution dated 19/11/2007, the State of Maharashtra sanctioned increments to the employees of Respondent No. 2. Said increments were paid to the Petitioners.

c. Vide Government Resolution dated 26/06/2012, the benefits of 6th Pay Commission were applied to the employees of Respondent No. 2 w.e.f. 26/06/2012. As per the said Government Resolution *"All the employees on regular employment of Respondent No. 2 are to be granted revised Pay Scale as per recommendations of 6th Pay Commission"*. However, it was clarified that the revised Pay Scale is implemented w.e.f. 26/06/2012 and therefore, no arrears are payable to the employees of Respondent No. 2. Clause 4 of the said Government Resolution mentioned that employees of Respondent No. 2 are not eligible for special benefits and if such benefits are already granted, then it should be stopped with immediate effect and also recovered from the salaries in installment.

d. Vide Resolutions dated 12/09/2012 and 08/03/2013, the Board of Directors of VJ & NT Corporation Ltd. sanctioned increments to the Petitioners. Said Board Meeting held on 12/09/2012 was attended by the Secretary, Social Justice Department in the capacity of Chairman, the Managing Director of Mahatma Phule Magaswargiya Vikas Mahamandal

Limited and Respondent No. 2.

e. In addition, the Petitioners were granted additional increment for their good work by Respondent No. 2 in terms of their decision in its Board Meeting dated 10/06/2013.

f. Vide Government Resolution dated 24/08/2017, the State of Maharashtra took a decision that any additional increment granted during the period from 01/10/2006 to 01/10/2015 should not be paid.

g. Vide Circular dated 07/04/2018, Respondent No. 2 relying on the Government Resolution dated 24/08/2017, cancelled all the additional increments and the benefits of the 6th Pay Commission given to all the employees of Respondent No. 2 and directed to recover the same by 6 equal installments.

h. Respondent No. 2 in the meeting of the Board of Directors of VJ & NT Corporation Ltd. held on 11/04/2018, by Resolution No. 3(1) resolved that those increments/additional increments, granted to the employees of Respondent No. 2, which were not as per the Government Resolution, should be recovered from the employees. As a result of the said Resolution, Respondent No. 2 vide Circular dated 29/08/2018 cancelled all the increments paid to the Petitioners and other similarly situated employees and revised the Pay Fixation by further directions to

recover the said increments from the monthly salary of the Petitioners.

i. Petitioners along with the other employees of Respondent No. 2 vide their representations dated 30/08/2018 and 04/09/2018, requested Respondent No. 2 to recall its order of revised Pay Fixation and recovery of dues.

j. As the representations made by the Petitioners were not considered and Respondent No. 2 was proceeding with the recoveries, Petitioners and other employees of the VJ & NT Corporation Ltd., approached this Court by filing Writ Petition/s seeking to quash and set aside the Circular dated 29/08/2018. By order dated 06/12/2018, this Court quashed the action of recovery initiated by Respondent No. 2 and remitted the case of Petitioners to Respondent No. 2 for fresh consideration after giving Petitioners an opportunity of hearing. Upon remand, Petitioners filed their detailed reply opposing the recovery.

k. By order dated 21/02/2019, Respondent No. 2 directed the recovery of arrears of 6$^{th}$ Pay Commission paid to the employees of Corporation from 01/01/2006 and further directed the recovery of additional increments from the salary of employees, thereby concluding that the Petitioners were wrongfully paid increments as well as difference of salary as per the 6$^{th}$ Pay Commission recommendation. Accordingly, the order with respect to the recovery of amount from the Petitioners was

passed on 06/03/2019.

6. The status of Petitioners as on the date of these Petitions and the respective details with reference to the amounts paid, date of recovery of excess payment made, are summarized in the following table :-

**Designation of the Petitioners (22 Employees)**

| Sr. No. | Name of the Employee | WP No. | Designation as on 08.03.2013 | Status | Class | Amount claimed to be the excess payment made to the Petitioners (in Rupees) |
|---|---|---|---|---|---|---|
| **Working, Class II** | | | | | | |
| 1. | K.T. Wani | 10284/2019 | District Manager | Working | II | 4,83,969 |
| 2. | S.R. Badgujar | 10285/2019 | District Manager | Working | II | 5,46,489 |
| 3. | P.R. Pawar | 10820/2019 | District Manager | Working | II | 1,35,652 |
| 4. | D.A. Sangle | 3120/2020 | District Manager | Working | II | 4,46,490 |
| 5. | S.G. Rane | 1424/2023 | District Manager | Working | II | 11,14,584 |
| **Working, Class III** | | | | | | |
| 6. | S.S. Chavan | 10816/2019 | Clerk | Working | III | 4,16,863 |
| 7. | P.B. Gite | 10818/2019 | Clerk | Working | III | 10,10,578 |
| 8. | K.M. Grihe | 10822/2019 | Office Assistant | Working | III | 1,35,672 |
| 9. | H.G. Gaikwad | 13169/2019 | Office Assistant | Working | III | 3,74,735 |

| | | | | | | |
|---|---|---|---|---|---|---|
| 10. | B.L. Naik | 13170/2019 | Clerk | Working | III | 7,22,019 |
| 11. | R.D. Chowdhari | 3119/2020 | Clerk | Working | III | 2,60,950 |
| **Working, Class IV** | | | | | | |
| 12. | P.N. Gurav | 10821/2019 | Peon | Working | IV | 2,62,683 |
| 13. | S.S. Salve | 3117/2020 | Peon | Working | IV | 2,63,456 |
| **Retired, Class IV** | | | | | | |
| 14. | M.N. Patole | 10819/2019 | Peon | Retired in 2021 | IV | 2,57,974 |
| **Retired, Class II** | | | | | | |
| 15. | S.G. Chowkekar | 10823/2019 | District Manager | Retired 31.10.2019 | II | 9,66,974 |
| 16. | S.R. Naik | 13171/2019 | District Manager | July 2022 | II | 8,04,854 |
| 17. | C.P. Gaidhane | 13175/2019 | District Manager | Retired 31.10.2019 | II | 17,73,881 |
| **Retired, Class III** | | | | | | |
| 18. | M.I. Rele | 10817/2019 | Steno/Clerk | Retired 30.06.2019 | III | 14,23,079 |
| 19. | S.P. Kale | 3118/2019 | Office Assistant | Retired Sept 2022 | III | 3,74,441 |
| 20. | H.L. Lambe | 13173/2019 | Office Assistant | Retired Sept 2022 | III | 3,32,477 |
| **Expired, Class III** | | | | | | |
| 21. | D.R. Gaikwad | 3116/2020 | Office Assistant | Expired | III | 5,08,971 |
| **Expired, Class IV** | | | | | | |
| 22. | L.G. Chopde | 13168/2019 | Peon | Expired | IV | 3,03,071 |

7. Petitioners contend that the amounts, which are sought to be recovered as excess payment, were paid to the Petitioners in the year 2012-2013 and the order of recovery of the said amount was passed on 06/03/2019, i.e., after 5 years of the benefits being extended to the Petitioners. Petitioners are thus before this Court. Substantive relief as prayed (Writ Petition No. 3120 of 2020), is extracted herein below :-

> "*B] Be pleased to quash and set aside the orders dated 21/02/2019 and 06/03/2019 passed by the Managing Director of Vasantrao Naik Vimukta Jatis and Nomadic Tribes Development Corporation Ltd., Mumbai.*"

8. By order dated 25/04/2019, the Respondents were directed not to take coercive steps against the Petitioners in the nature of recovery, pending disposal of these Petitions.

9. Respondent No. 2 has opposed the present Petitions. Respondent No. 2 contends that the then In-charge Managing Director of VJ & NT Corporation Ltd. in contravention of Government Resolution dated 26/06/2012, granted 6th Pay Commission w.e.f. 01/01/2006 and arrears to the Petitioners and that the Petitioners were illegally given advance increments. It is further contended that at the time of receipt of financial benefits, Petitioners had executed Indemnity Undertaking by which the Petitioners had undertaken that in the event of any future objection being raised to the said payment, the same be recovered by

deducting from salary, as such the Petitioners were bound to return the excess amount paid to them, which the Petitioners were not entitled to. It is contended that pursuant to the order dated 06/12/2018, passed by this Court, Respondent No. 2 had afforded a hearing to the Petitioners and Respondent No. 2 had passed a reasoned order dated 06/03/2013 directing recovery.

**10.** Mr. Ashwin Sakolkar, learned Advocate for the Petitioners as well as Mr. Nishigandh Patil, learned Advocate for Respondent No. 2 have canvassed arguments and submitted their written submissions.

**11.** Mr. Ashwin Sakolkar, learned Advocate for the Petitioners submits that most of the Petitioners are Class-III and Class-IV employees. He submits that on the date of order directing recovery, several employees were either retired or were on the verge of retirement. He submits that the Petitioners were granted benefit in the year 2012-2013 and the order for recovery was passed on 06/03/2019, i.e. after 5 years of the benefits being extended to the Petitioners, as such, recovery of the said amount would be iniquitous, harsh and would far outweigh the equitable balance of the employer's right to recover. He submits that the undertakings referred to by Respondent No. 2 cannot be relied upon, as the same being undated and the signatures are obtained on the Revenue Stamp. He submits that similar benefits of 6$^{th}$ Pay Commission were

granted to the employees of Lokshahir Annabhau Sathe Vikas Mahamandal vide Government Resolution dated 30/07/2013, however, no recoveries have been initiated against them. He relies on the following judgments :-

a. ***Ravindra Vana Patil v/s. The State of Maharashtra and Ors.***[1],

b. ***State of Punjab v/s. Rafiq Masih***[2],

c. ***Dr. Nivruti S/o. Baliram Kalyan v/s. The State of Maharashtra and Others***[3],

d. ***Manohar Bappaji Gaikwad v/s. The State of Maharashtra and Others***[4],

e. ***Jayshree Trimbak Takalkar and Others v/s. The Chief Executive Officer, Zila Parishad, Aurangabad and Others***[5],

f. ***The State of Maharashtra and Others v/s. Rekha Vijay Dubey and Others***[6],

g. ***Laxminarayan S/o. Sayanna Kadewar v/s. The State of Maharashtra and Another***[7] and

h. ***Mr. Martand Rambhau Sanap v/s. Vasantrao Naik VJ & NT Development Corporation Ltd. & Ors.***[8].

**12.** Mr. Nishigandh Patil, learned Advocate for Respondent No. 2 submits that the Petitioners were illegally granted the increments and the arrears by the then Managing Director of VJ & NT Corporation Ltd. He

1. Writ Petition No. 12699 of 2018 and other connected matters decided on 3rd April, 2019.
2. 2015(1)CLJ (SC) 192.
3. Writ Petition No. 11228 of 2015 decided on 21st December, 2015.
4. MANU/MH/4257/2022.
5. MANU/MH/3431/2017.
6. 2021(III) CLR 630.
7. Writ Petition No. 15156 of 2019 decided on 12th September, 2024.
8. Writ Petition No. 9524 of 2021 decided on 24th January, 2025.

submits that the Auditor upon inquiry, had observed that unwarranted payments were made to the employees by the then Managing Director against whom Respondent No. 2 has filed the criminal proceedings. He submits that the Petitioners having executed the Indemnity Undertaking, are estopped from contending to the contrary. He submits that Respondent No. 2 after considering the case, has passed the detailed orders on 21/02/2019 and 06/03/2019. He relies on the following judgments :-

a. ***State of Punjab and Others v/s. Rafiq Masih (White Washer) and Others***[9] and

b. ***High Court of Punjab and Haryana v/s. Jagdev Singh***[10].

**13.** We have considered the records, oral submissions advanced by the learned Advocates for the parties as well as the written submissions placed on record.

**14.** Petitioners have challenged the orders dated 21/02/2019 and 06/03/2019 essentially on four grounds : *firstly,* that the alleged recovery is sought after some of the Petitioners having retired (Writ Petition Nos. 3118/2019, 10817/2019, 10819/2019 & 13173/2019); *secondly,* that the recovery from the employees belonging to Class-III and Class-IV in service being impermissible (Writ Petition Nos. 10816/2019, 10818/2019, 10821/2019, 10822/2019, 13169/2019, 13170/2019,

9. 2015(4) SCC 334.
10. (2016)14 SCC 267.

3117/2020 & 3119/2020) and Petitioners ( Writ Petition Nos. 13168/2019 and 3116/2020), who are since deceased ; *thirdly*, that the recovery from the retired Class-II employees (Writ Petition Nos. 10823/2019 & 13175/2019), were due to retire within 1 year of the order of recovery and *fourthly*, that the recovery from Class-II employees (Writ Petition No. 13171/2019) being impermissible, such payments being made for a period in excess of 5 years before the order of recovery.

**15.** The Hon'ble Supreme Court in the case of ***Syed Abdul Qadir and Others v/s. State of Bihar and Others***[11] in Paragraph Nos. 57 & 58 has observed as under :-

> "***57.*** *This Court, in a catena of decisions, has granted relief against recovery of excess payment of emoluments/allowances if (a) the excess amount was not paid on account of any misrepresentation or fraud on the part of the employee, and (b) if such excess payment was made by the employer by applying a wrong principle for calculating the pay/allowance or on the basis of a particular interpretation of rule/order, which is subsequently found to be erroneous.*
>
> ***58.*** *The relief against recovery is granted by courts not because of any right in the employees, but in equity, exercising judicial discretion to relieve the employees from the hardship that will be caused if recovery is ordered. But, if in a given case, it is proved that the employee had knowledge that the payment received was in excess of what was due or wrongly paid, or in cases where the error is detected or corrected within a short time of wrong payment, the matter being in the realm of judicial discretion, courts may, on the facts and circumstances of any particular case, order for recovery of the amount paid in excess. See Sahib Ram v. State of Haryana [1995 Supp (1) SCC 18 : 1995 SCC (L&S) 248], Shyam Babu Verma v. Union of India [(1994) 2 SCC 521 : 1994 SCC (L&S) 683 : (1994) 27 ATC 121], Union of India v. M. Bhaskar [(1996) 4 SCC 416 : 1996 SCC (L&S) 967], V. Gangaram v. Director [(1997) 6 SCC 139 : 1997 SCC (L&S) 1652], Col.*

11. (2009)3 SCC 475.

*B.J. Akkara (Retd.) v. Govt. of India [(2006) 11 SCC 709 : (2007) 1 SCC (L&S) 529], Purshottam Lal Das v. State of Bihar [(2006) 11 SCC 492 : (2007) 1 SCC (L&S) 508], Punjab National Bank v. Manjeet Singh [(2006) 8 SCC 647 : (2007) 1 SCC (L&S) 16] and Bihar SEB v. Bijay Bhadur [(2000) 10 SCC 99 : 2000 SCC (L&S) 394].*"

**16.** The Hon'ble Supreme Court in the case of ***Rafiq Masih (White Washer)*** (*supra*) after having considered its earlier pronouncements, in Paragraph No. 18 referred to situation, wherein recovery from the employees would be impermissible in law, which reads as follows :-

"***18.*** *It is not possible to postulate all situations of hardship which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to hereinabove, we may, as a ready reference, summarise the following few situations, wherein recoveries by the employers, would be impermissible in law :*

*(i) Recovery from the employees belonging to Class III and Class IV service (or Group C and Group D service).*

*(ii) Recovery from the retired employees, or the employees who are due to retire within one year, of the order of recovery.*

*(iii) Recovery from the employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.*

*(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.*

*(v) In any other case, where the court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover.*"

**17.** Respondent No. 2 has relied on the decision of the Hon'ble Supreme Court in the case of ***Jagdev Singh*** (*supra*), more particularly Paragraph No. 11 in support of its contention that the Petitioners, who were put on notice that if the payment found to be in excess, same would

be recovered from their salaries. The said Paragraph No. 11 reads as follows :-

> "***11.*** *The principle enunciated in Proposition (ii) above cannot apply to a situation such as in the present case. In the present case, the officer to whom the payment was made in the first instance was clearly placed on notice that any payment found to have been made in excess would be required to be refunded. The officer furnished an undertaking while opting for the revised pay scale. He is bound by the undertaking.*"

**18.** The case of ***Laxminarayan*** (supra) before this Court, was a case of a employee (Class-IV) working in VJ & NT Corporation Ltd., against whom recovery proceedings were commenced after 17 months of his retirement. Facts pertaining to grant of increments and benefits under the 6th Pay Commission, execution of the undated undertaking in ***Laxminarayan*** (supra), being identical to the case in hand. This Court in Paragraph Nos. 8 to 11 observed as under :-

> "*8. The learned Advocate for the employer points out an undertaking purportedly executed by the Petitioner. We have perused the said undertaking. On page no. 86, there is a signature scribbled on a revenue stamp below the date, which is in typed form. Neither the name of the Petitioner nor his designation as a Peon, neither the District Collector's office where he was working, nor his address, is mentioned in the said undertaking. The undertaking carries a date 07.09.2022. The learned Advocate for the employer submits that the date has mistakenly appeared on the said document. According to him, there is no date on the said undertaking.*
>
> *9. The Employer relies upon the judgment delivered by the Hon'ble Supreme Court in High Court of Punjab and Haryana and Others Vs. Jagdev Singh [AIR 2016 SCW 3523]. The facts of the case in the said judgment are distinguishable. In this case, the undertaking is undated according to the employer. As a date 07.09.2022 appears on the undertaking, the same does not seem to be executed earlier in point of*

*time.*

*10. In Syed Abdul Qadir and others Vs. State of Bihar and others, 2009(3) SCC 475 and State of Punjab and others Vs.Rafiq Masih (White Washer) etc., (2015) 4 SCC 334 = AIR 2015 SC 696, the Law is settled that firstly the recoveries at the stroke of retirement would be impermissible. Secondly, the recovery from a Class I employee at the stroke of retirement or on the verge of retirement, would not be permitted.*

*11. In view of Jagdev Singh (supra), we are of the view that, if an undertaking is executed on the date when the payment, increments or payment of the monetary benefits commences, such an undertaking could be pressed into service. In the instant case, the Petitioner is a Class IV employee. Deductions are carried out 17 months after his retirement. The undertaking is doubtful. No opportunity of hearing has been given to him. The Law laid down in Syed Abdul Qadir (supra) and Rafiq Masih (White Washer) (supra), has apparently been ignored by the employer.*"

19. Records bear out that the undertakings are undated and signatures of some of the Petitioners are obtained on Revenue Stamps. The case of the Petitioners (Writ Petition Nos. 3118/2019, 10817/2019, 10819/2019 & 13173/2019), who are Class-III and Class-IV retired employees, would be covered by the decision of this Court in the case of ***Laxminarayan*** (*supra*).

20. The case of Petitioners (Writ Petition Nos. 10816/2019, 10818/2019, 10821/2019, 10822/2019, 13169/2019, 13170/2019, 3117/2020 & 3119/2020), who are Class-III and Class-IV employees and the Petitioners (Writ Petition Nos. 13168/2019 & 3116/2020), who are since deceased Class-III and Class-IV, would be covered in terms of Paragraph No. 12(i) of the judgment in the case of ***Rafiq Masih*** (*supra*).

**21.** Two Petitioners belonging to Class-II service, have retired on 31/10/2019. The orders of recovery are dated 21/02/2019 and 06/03/2019, i.e. on the verge of the date of retirement of Petitioners in Writ Petition Nos. 10823/2019 and 13175/2019 within one year from the date the Petitioner in Writ Petition No. 13171/2019 was due to retire. These Petitioners would be covered in terms of Paragraph No. 12(ii) of the judgment in the case of ***Rafiq Masih*** (*supra*).

**22.** The order dated 06/03/2019 directing recovery makes a reference to the Government Resolution dated 24/08/2017. Said Resolution directed that the period of 6th Pay Commission being limited to 01/01/2006 upto 01/12/2015 and no retrospective advance increments to be granted to the employees. The period of payments made to the Petitioners, which is the subject matter of these proceedings according to the Petitioners is of 2012-2013, whereas according to Respondent No. 2 the difference amount of 6th Pay for the period from 01/01/2006 to 31/05/2012 was made by cheque on 29/05/2015. This Court in the case of ***Ravindra Vana Patil*** (*supra*) in Paragraph No. 3 has held as follows :-

> "*3. The Government Resolution dated 24.08.2017 will have prospective effect and not retrospective and in that case benefit that was accorded to Petitioners of excellent work in the years 2006, 2007 and 2008, shall not be withdrawn and if any recovery is made pursuant to the same, same shall be refunded to the Petitioners.*"

**23.** Petitioner belonging to Class-II service in Writ Petition No.

13171/2019 has superannuated in the month of July 2022. Petitioners in Writ Petition Nos. 10284/2019, 10285/2019, 10820/2019, 3120/2020 & 1424/2023, are still in service. Taking into account that these Petitioners were not involved in any mischief, fraud or deceit in orchestrating their wrongful Pay Revision/increments, the law laid down by the Hon'ble Supreme Court in the cases of ***Syed Abdul Qadir*** (*supra*) and ***Rafiq Masih*** (*supra*) would apply to the case in hand.

**24.** In view of the above, **all these Petitions are partly allowed**. The orders dated 21/02/2019 and 06/03/2019 are quashed and set aside to the extent of recovery of amount against the Petitioners.

**25.** Rule made absolute in the above terms. No order as to costs.

**26.** In view of the above, all the Interim/Civil Applications become infructuous, hence stand disposed off.

**[ASHWIN D. BHOBE, J.]** **[RAVINDRA V. GHUGE, J.]**

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