

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2180 OF 2015

1. Mr. Bhaskar Shankarrao Joshi,
Age : 67 Years, Occu. : Pensioner,
R/o Vyankatandri Bungalow,
Chausalkar Colony, Yogeshwari,
College Road, Ambajogai,
Dist. Beed.
2. Mr. Dnyanoba Mukundrao Panchal,
(Since deceased) through
Smt. Suman W/o Dnyanoba Panchal,
Age : 55 Years, Occu. : Pensioner,
R/o Vidya Nagar, Ring Road,
Ambajogai, Dist. Beed.
3. Mr. Nagnath Shankarrao Jalde,
Age : 65 Years, Occu. : Pensioner,
R/o Shrinagar Colony, Mandva Road,
Ambajogai, Dist. Beed.
4. Mr. Purushottam Sitaram Kulkarni,
Age : 65 Years, Occu. : Pensioner,
R/o Ridhi Apartment, Block No. 102,
Mayurban Road, Latur.
5. Mr. Balwant Sahebrao Pawar,
Age : 66 Years, Occu. : Pensioner,
R/o C/o Kakasaheb Sarvade,
Vishal Nagar, Old M.I.D.C. Road,
Latur.
6. Mr. Ramkrushna Nivruttirao Deoshatwar,
Age : 66 Years, Occu. : Pensioner,
R/o Laxmi Niwas, Bansilal Nagar,
Ambajogai, Dist. Beed.

7. Mr. Vasant Bapuji Muttepawar,
Age : 62 Years, Occu. : Pensioner,
R/o Raja Bansilal Nagar, Ambajogai,
Tq. Ambajogai, Dist. Beed.
8. Mr. Vilas Keshavrao Kulkarni,
Age : 62 Years, Occu. : Pensioner,
R/o Prabhu Kunj, Keshav Nagar,
Ambajogai, Tq. Ambejogai,
Dist. Beed.
9. Mr. Chandrakant Dhondu Bhandari,
Age : 63 Years, Occu. : Pensioner,
R/o Mai Niwas, Kalpana Colony,
Ring Road, Ambajogai, Dist. Beed.
10. Mr. Subhashchandra Rameshwar Gupta,
Age : 65 Years, Occu. : Pensioner,
R/o Bansilal Nagar Ambajogai,
Tq. Ambajogai, Dist. Beed.
11. Mr. Prabhakar Rangrao Borade,
Age : 64 Years, Occu. : Pensioner,
R/o Vidya Nagar, Ring Road,
Ambajogai, Dist. Beed.
12. Mr. Patil Manohar Vishwanath,
Age : 67 Years, Occu. : Pensioner,
R/o House No. 8-7-51, MIG 28,
KHB Colony, Bidar.
13. Mr. Latpate Dnyanoba Manaji,
Age : 67 Years, Occu. : Pensioner,
R/o Bansilal Nagar, Ambejogai,
Tq. Ambejogai, Dist. Beed.

.. Petitioners

Versus

1. The State of Maharashtra,
Through its Secretary,

Higher and Technical Education
Department, Mantralaya,
Mumbai - 32.

2. The Director of Higher Education
Maharashtra State Pune.

3. The Joint Director,
Higher Education,
Aurangabad Region,
Aurangabad.

.. Respondents

Shri Sudhir G. Bhalerao, Advocate for Petitioners.
Shri G. K. Thigle, Addl.G.P. for All Respondents.

**CORAM : S. V. GANGAPURWALA AND
V. L ACHLIYA, JJ.**

DATE : 25TH FEBRUARY, 2015.

ORAL JUDGMENT (Per S. V. Gangapurwala, J.) :-

. Rule. The learned Additional Government Pleader waives notice of rule for all respondents. Taken up for final hearing with the consent of parties.

2. Mr. Bhalerao, the learned counsel submits that, the petitioners are lecturers who have retired long back. The stagnation increment which were paid to the petitioners is sought to be recovered now. The learned counsel submits that, after retirement the same cannot be allowed to be recovered. The learned counsel relies on various orders passed by this Court from page Nos. 74 to 88.

3. The learned Additional Government Pleader does not dispute that, the petitioners are similarly situated with the petitioners in which the orders are passed by this Court directing refund of recovery along with interest.

4. Considering the fact that, all petitioners are retired lecturers who have been earlier paid stagnation increment and this Court in similar set of facts has passed various orders. Such an order is passed by this Court on 22nd August, 2011 in Writ Petition No. 9054/2010 with other connected writ petitions. We also follow the same course.

5. In the light of that, we pass the following order.

6. The respondents are not entitled to recover the amount from the pension of the petitioners of the stagnation increment which is sought to be recovered. In so far as the amount which is already recovered from the pension of the petitioners is concerned, it is directed that, such amount be returned back to petitioners within a period of three (3) months from the date of this order along with interest at the rate of 8% per annum.

Rule accordingly is made absolute in above terms. No costs.

Sd/-

[V. L ACHLIYA, J.]

bsb/Feb. 15

Sd/-

[S. V. GANGAPURWALA, J.]