

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

WRIT PETITION NO. 3142 OF 2014

Association of College and University
Superannuated Teachers .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri S. V. Adwant, Advocate for the Petitioner.
Shri A. S. Shinde, A.G.P. for Respondent Nos. 1, 2, 4 to 12.
Shri Alok Sharma, Advocate for the Respondent No. 3.

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

DATE : 25TH FEBRUARY, 2015.

PER COURT :

. Mr. Adwant, the learned counsel for the petitioner submits that, the members of the petitioner association have retired long back. They were granted stagnation increment, however, the respondents much after the retirement of the members of the petitioner association have recalled the same against them on the ground that stagnation increment was not permissible. The learned counsel submits that, such an action after retirement is not permissible and the amount recovered is required to be refunded with interest. The learned counsel relies on various orders passed by this Court in respective writ petitions such as Writ Petition No. 1054 of 2012 with connected writ petitions vide

judgment dated October 01, 2013. The learned counsel further submits that, even the Special Leave Petition filed by respondents/State against the said orders is dismissed.

2. We have heard the learned Assistant Government Pleader and Mr. Sharma, the learned counsel for the respondent No. 3.

3. The members of the petitioner association are similarly situated persons as the petitioners in Writ Petition No. 1054 of 2012 with other connected writ petitions.

4. In the light of that and for the reasons recorded in the judgment delivered in Writ Petition No. 1954 of 2012 with other connected writ petitions, the impugned letters are quashed and set aside. The respondents shall not recover any amount from the members of the petitioner association in respect of stagnation increment and if the amount is recovered by respondents, the same shall be returned back to the members of the petitioner association along with interest at the rate of Rs. 8% per annum from the date of recovery till its realization. The amount shall be refunded expeditiously and preferably within a period of three (3) months from today. The writ petition accordingly is disposed of. No costs.

[V. L ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]