

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

WRIT PETITION NO. 6818 OF 2012

Abdul Wajid Khan Mahoob Khan .. Petitioner

Versus

The State of Maharashtra and Others .. Respondents

Shri Y. M. Khan, Advocate for the Petitioner.

Shri D. B. Bhange, A. G. P. for Respondent No. 1.

Shri Mohd. Imran Ahmed, Advocate for Respondent Nos. 2, 6 and 7.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATE : 03RD AUGUST, 2015.

PER COURT :

1. Request is made for process of the pension papers and the payment of pension. Mr. Khan, the learned counsel submits that, the pension papers of the petitioner are not being processed, inspite of the fact that the petitioner has retired in the year 2011.

2. As per the learned A. G. P. the pay fixation is required to be done. The revised pay fixation has been done

wherein grade pay has been reduced from Rs. 2,800/- to Rs. 2,400/- resulting in excess payment made to the petitioner, which needs to be recovered. The revised pension papers are not received back. The service book is returned to the college for re-fixation, but the petitioner is not co-operating with the college.

3. The limited relief that is claimed in the present writ petition is that, pension papers are not forwarded. There is no challenge to the revised pension payable and the rate at which it should be paid. The learned counsel for the petitioner states that, the grievance of the petitioner is that, though the petitioner is retired, he has not been paid the pension. He is entitled for pension as per Rules.

4. It is also trite that, after the retirement recovery can not be made. The petitioner has retired as Laboratory Technician, i. e. Class-III post. Even as per the judgment of the Apex Court in a case of **State of Punjab Vs. Rafiq Masih (White Washer) etc.** reported in **A.S.C.W 2015(4) page 334** no recovery can be made.

5. Considering the above, we pass the following order.

6. In case, any revised pay fixation is done by respondents, no recovery shall be done against the petitioner on ground that, some wrong pay fixation was done. The pension papers shall be processed expeditiously and preferably within a period of six (6) months from today. If any information is required, the petitioner shall co-operate in furnishing the said information or completing the service book if required. The Management shall also take steps in this regard.

7. Writ petition is accordingly disposed of with aforesaid observations and directions. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]

sam/Aug. 15