

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

WRIT PETITION NO. 8132 OF 2015

Subhash Rangnathrao Bhinge .. Petitioner

Versus

The State of Maharashtra and Others .. Respondents

Shri N. D. Kendre, Advocate for the Petitioner.

Smt. S. A. Dhumal, A. G. P. for Respondent Nos. 1 to 3.

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

DATE : 13 AUGUST, 2015.

PER COURT :

1. The learned A. G. P. states that, the proposal is already forwarded to the Director of Education by the Deputy Director for refund of the amount of stagnation increment which was recovered from the pension amount.

2. Even otherwise, after retirement no recovery could have been claimed as per the judgment of the Apex Court in a case of **State of Punjab V/s. Rafiq Masin** reported in **ASCW 2015 (4) 334.**

3. In light of the above, we pass the following order -

ORDER

The respondents shall pay the amount of Rs. 66,794/- (Rs. Sixty Six Thousand Seven Hundred Ninety Four Only) with interest at the rate of 6% per annum on the said amount from 25.07.2014 till the date of realization, to the petitioner within a period of three (3) months from today.

4. Writ petition is accordingly disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]

sam/Aug. 15