

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.3961 OF 2014

Arunkumar S/o Birendra Sinha

-vs-

State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.C.S.Dhore, counsel for petitioner.
Mr.D.M.Kale, AGP for respondents.

CORAM : B.P.DHARMADHIKARI &
A.S.CHANDURKAR, JJ.

DATE : 28.01.2015.

The petitioner assails recovery. After his superannuation, amount of gratuity the sum of Rs.37,000/- has been recovered from gratuity payable to him alleging that stagnation increments were erroneously released to him.

Recovery at the stage of retirement and out of terminal benefits is one of the few circumstance recognized by Hon'ble Apex Court in its judgment in the case of State of Punjab and others v. Rafique Masih (White Washer) i.e. Civil Appeal No.11527 of 2014 decided on 18/12/2014. Such recovery, therefore, is not maintainable and sustainable.

Learned Assistant Government Pleader is seeking time to obtain instructions and to further report in the matter.

These facts are not in dispute. We allow writ petition in terms of prayer clause (a). The amount deducted shall be refunded to petitioner with interest calculated at 8%

per annum within a period of six months from today. If the amount is not repaid within said period, the interest shall thereafter be calculated at 12% per annum.

Writ petition is thus partly allowed and disposed of. No costs.

JUDGE

JUDGE

KHUNTE