

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 14787 OF 2017

The Superintending Engineer and Administrator
and others

.. **Petitioners**

Versus

Kailash Dashrat Patil and another

.. **Respondents**

Shri S. D. Dhongade, Advocate for the Petitioners.

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

DATE : **20th December, 2017**

PER COURT :

1. The order of the tribunal is assailed.
2. Mr. Dhongde, learned advocate relies on the letter dated 18.2.2017 issued by the Under-Secretary, Finance Department and submits that the recovery is required to be made and there is no time limit for the recovery to be made.
3. It would be seen that the re-fixation was said to be done and recovery was made after the respondent No. 1 has retired from service. The tribunal has relied on the Judgment of the Apex Court in a case of **State of Punjab and others Vs. Rafiq**

Masih (White Washer) etc in Civil Appeal No. 11527 of 2014, dated 18.12.2014.

4. It is not disputed that the recovery claimed was beyond five years.

5. All the conditions laid down in the Judgment of *State of Punjab and others Vs. Rafiq Masih (White Washer) etc (Supra)* applies to the present case. The tribunal has not committed any error in passing the impugned order.

6. The writ petition is disposed of. No costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

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