

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

WRIT PETITION NO. 7963 OF 2015

Shri. Raju S/o Sakharam Gaikwad ... Petitioner

VERSUS

Directorate of General, CRPF & Anr. ... Respondents

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Mr S. R. Gaikwd, Advocate h/f Mrs Vaishali S. Chaudhari, Advocate
for the petitioner

Mr D. G. Nagode, Advocate for respondents No. 1 and 2

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**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 21ST MARCH, 2018.

ORDER :

1. Mr Andhale, the learned counsel for the petitioner submits that, the petitioner had joined with the Defence Department in the year 1992. In the year 2000, the petitioner applied for discharge. The learned counsel submits that, pursuant to the discharge, the authorities directed the petitioner to deposit three months' salary of Rs. 15,570/-. The petitioner deposited the same amount. Under order dt. 24.08.2000, the petitioner was discharged and on 28.05.2000, no-dues certificate was issued to the petitioner. The learned counsel submits that, on 07.12.2000, the petitioner was issued with the letter stating that, towards capital costs of training

charges at a rate of Rs. 146/- per day with 10% extra which comes to Rs. 49,465/- and the said amount is recoverable. They deducted remaining amount from the GPF. The petitioner was time and again demanding the gratuity amount but to no avail. The learned counsel submits that, the respondent could not have recovered the said amount from the gratuity. When no-dues certificate was already issued, subsequent recovery should not have been claimed.

2. According to the respondents, under erroneous glee, only 15,570/- was recovered but subsequently after receiving the instructions, the difference amount of Rs. 33,895/- is recovered from the petitioner from the GPF amount so as to avoid financial loss to the Government exchequer.

3. As per Rule 17(A) of the Central Reserve Police Force Rules, 1955, if a person seeks discharge from service, he is required to refund to the Government a sum equal to three months' pay and allowance received by him or the costs of training imparted to him or her in the post whichever is higher. It is not disputed that the training costs as per per capita with 10% extra comes to Rs. 49,465/-. The said amount was recoverable by the respondents from the petitioner and the said amount is recovered from the GPF amount. It is not a

case of unjust enrichment on the part of the respondents or that the respondents were not entitled for the said amount as per rules.

4. As the respondents were entitled to recover the amount of Rs.49,465/- as per rules, it would not be open now to contend that the respondents ought not to have deducted the amount from the GPF amount or that they should have filed recovery proceedings against the petitioner.

5. The writ jurisdiction of this Court would have been invoked if the rightful claim of the petitioner would have been denied, however, that is not the case.

6. In view of the above, the writ petition stands dismissed. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde