

(1)

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

WRIT PETITION NO.1035 OF 2019

Kusum Abhiman Kakde,
Age: 55 years, Occu: Service,
R/o. Lasur Station,
Tq. Gangapur, Dist. Aurangabad

..PETITIONER

VERSUS

1. The Chief Executive Officer,
Zilla Parishad, Aurangabad
2. District Health Officer,
Zilla Parishad, Aurangabad
3. Medical Officer,
P.H.C., Balanagar,
Tq. Paithan, Dist. Aurangabad

..RESPONDENTS

Mr D. R. Irale Patil, Advocate for petitioner
Mr S. B. Ghute, Advocate for respondents

**CORAM : PRASANNA B. VARALE
AND
NITIN W. SAMBRE, JJ.**

DATE : 30th April, 2019

ORAL ORDER:

Heard Mr Irale Patil, learned Counsel appearing on behalf of the
petitioner.

(2)

2. The petitioner is an employee of Zilla Parishads, Aurangabad. Mr Irale Patil invited our attention to the order dated 22nd April, 2019, passed by this Court in Writ Petition No.4863 of 2019, to submit that the present petitioner is identically circumstanced with the petitioner - Asha Dashrath Chavan in the said writ petition and as such, the present petition may be disposed of in view of the said order.

3. Issue notice to respondents, returnable forthwith.

4. Mr Ghute, learned Counsel waives service of notice for respondents.

5. Mr Ghute, learned Counsel for the respondents fairly admits the submission of learned Counsel for the petitioner that the present petitioner is identically circumstanced with the petitioner in Writ Petition No.4863 of 2019.

6. In view of above referred fact, we see no reason to take a different view than the view taken by the Division Bench of this Court in order dated 22nd April, 2019, passed in Writ Petition No.4863 of 2019.

(3)

7. Resultantly, the petition is allowed. The impugned orders passed by the respondents claiming recovery are quashed and set aside. As no amount is recovered from the petitioner in the present matter, it is not necessary to direct respondents anything on that aspect.

With the aforesaid directions, the petition is disposed of accordingly.

(NITIN W. SAMBRE, J.)

(PRASANNA B. VARALE, J.)

sjk