

(1)

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

WRIT PETITION NO.2208 OF 2019

Indira Gulabrao Borde,
Age: 63 years, Occu: Pensioner,
R/o. Palod,
Tq. Sillod, 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., Palod,
Tq. Sillod, 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 a retired employee of respondent No.1 - Zilla Parishad, Aurangabad. Mr Irale Patil, by inviting our attention to the order dated 7th August, 2018, passed by the Division Bench of this Court in Writ Petition No.9035 of 2018, submitted that the petitioner is identically circumstanced with the petitioner - Jayshree Sumant Kulkarni 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.9035 of 2018.

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 7th August, 2018, passed in Writ Petition No.9035 of 2018.

(3)

7. Resultantly, the petition is allowed. The impugned order passed by respondents claiming recovery is quashed and set aside. Respondent Nos.1 and 2 to repay the amount to the petitioner which has been recovered from her, within a period of six months from today.

8. The respondents are at liberty to re-fix the pay of the petitioner after giving an opportunity to the petitioner.

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

(NITIN W. SAMBRE, J.)

(PRASANNA B. VARALE, J.)

sjk