

(1)

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

WRIT PETITION NO.2190 OF 2019

1. Smt. Kunda Sudhakar Misal,
Age: 62 years, Occu: Pensioner,
R/o. L-4-11-9, Ramnagar, Aurangabad,
Cidco, Aurangabad
2. Sushila Murlidharrao Pande,
Age: 62 years, Occu: Pensioner,
R/o. Shahara Apartment B-1,
Ulkanagari, Aurangabad
3. Vijayalaxmi Bhimsen Waghmode,
Age: 59 years, Occu: Pensioner,
R/o. Vijaylaxmi Rajeshnagar, Beed By Pass,
Aurangabad
4. Sayeda Banu Abdul Kareem Shaikh,
Age: 58 years, Occu: Pensioner,
R/o. Shivna, Tq. Sillod,
Dist. Aurangabad

..PETITIONERS

VERSUS

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

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5. Medical Officer,
P.H.C., Gadana,
Tq. Khultabad, Dist. Aurangabad

6. Medical Officer,
P.H.C., Shivna,
Tq. Sillod, Dist. Aurangabad

..RESPONDENTS

Mr D. R. Irale Patil, Advocate for petitioners;
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 petitioners.

2. The petitioner are retired employees of Zilla Parishads, 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 petitioners are 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)

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 petitioners that the present petitioners are 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.
7. Resultantly, the petition is allowed. The impugned order passed by respondent No.2 claiming recovery is quashed and set aside. Respondent Nos.1 and 2 to repay the amount to the petitioners which has been recovered from them, within a period of six months from today.

(4)

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

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

(NITIN W. SAMBRE, J.)

(PRASANNA B. VARALE, J.)

sjk