

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 8097 OF 2018

Subhash S/o Devrao Thale

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. V.G. Salgare, Advocate for Petitioner  
Mr. S.G. Karlekar, Assistant Government Pleader for  
Respondents/State

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

**DATE : 27<sup>th</sup> FEBRUARY, 2019**

**ORAL ORDER:**

1. The application filed by the petitioner for condonation of delay of two years and 15 days is rejected.
2. Heard Mr. Salgare, the learned Counsel for the petitioner and Mr. S.G. Karlekar, the learned Assistant Government Pleader.
3. The petitioner approached the Tribunal against the action of the respondents recovering the amount on the ground of wrong pay fixation from the retiral benefits
4. The reasons are given by the Applicant. It appears that the respondent has recovered an amount of Rs. 2,42,493/- from the

pensionary benefits of the petitioner. It was the contention of the petitioner that he was not responsible for the wrong pay fixation. The recovery is claimed from the retiral benefits. Other reasons of hardships were also placed i.e. the wife was advised complete bed rest for about two and half years and he was required to attend his wife.

5. Considering fact that, the matter is with regard to the retiral benefits of the petitioner and the recovery made from the retiral benefits, we are inclined to take liberal approach.

6. Considering the aforesaid aspect, the impugned order is quashed and set aside. However, in case the petitioner succeeds in Original Application, the petitioner would not be entitled for interest on the amount claimed by the petitioner.

7. The parties are relegated before the Tribunal. In case the Original Application complies with all other requirements, then the same be registered.

8. The miscellaneous application for condonation of delay in filing O.A. is allowed.

9. The Writ Petition is disposed of. No costs.

**[ A. M. DHAVAL ]**  
**JUDGE**

**[ S. V. GANGAPURWALA ]**  
**JUDGE**

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