

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

WRIT PETITION NO.8707 OF 2018

Sarjerao Narayanrao Solanke

...PETITIONER

VERSUS

The State of Maharashtra & ors.

...RESPONDENTS

.....
Shri V.V. Ingle, Advocate for petitioner
Shri P.S. Patil, A.G.P. for State
Shri M.P. Kale, Advocate for R.No.2 to 4
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**CORAM: S.V. GANGAPURWALA AND
A.M. DHAVAL, JJ.**

DATED : 17th January, 2019

ORAL ORDER :

1. Learned counsel for the petitioner submits that, he is restricting the present petition to the extent of recovery claimed after his retirement. We have heard the learned counsel for the petitioner and the learned counsel for the Zilla Parishad.

2. It appears that, there was some dispute with regard to the pay fixation, which was made in the year 1996. Petitioner retired in the year 2013. After the retirement, recovery is claimed

on the ground that erroneous pay fixation was done. The petitioner was working as a Class III employee. Recovery was claimed for a period more than five years, hardship would be caused to the petitioner if the recovery is made at this juncture. Reliance can be placed on **State of Punjab & ors. Vs. Rafiq Masih (White Washer) & ors.** reported in **(2015)4 SCC 334.** All the parameters laid down in the said judgment are applicable in the present case.

3. In the light of the above, the impugned order to the extent of recovery being claimed from the petitioner, is quashed and set aside. Writ Petition is accordingly disposed of. No costs. The pension papers of the petitioner shall accordingly be forwarded.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

fmp/