

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 1137/2017.

Ramdayal Singh Ramnath Thakur

-VERSUS-

State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri S. Borkar, Advocate for the Petitioner.
Shri A.M. Deshpande, Addl.G.P. for Respondents.

CORAM : R.K. DESHPANDE &
VINAY JOSHI, JJ.

DATE : JULY 10, 2019.

Heard.

2. The petitioner retired from the service from the post of Assistant Police Inspector (Group-C), on 30.06.2014. Thereafter, petitioner was paid the entire post retiral benefits.

3. On 27.10.2015, it was discovered that there was double payment of Rs.3,77,000/- to the petitioner, and hence, proceedings for recovery from his monthly pension were undertaken. The amount was directed to

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be recovered in 48 installments of Rs. 7854.16 each.

4. Relying upon the decision of the Hon'ble Supreme Court in case of State of Punjab and others .vrs. Rafiq Masih [(2015) 4 SCC 334], and other decisions of this Court, it is urged by the learned counsel for the petitioner, that the petitioner being Group-C employee, recovery of the amount wrongly paid was inequitable, and therefore, the order of recovery needs to be set aside.

5. This aspect has been taken into consideration by the Maharashtra Administrative Tribunal, which dismissed Original Application No.147/2016, filed by the petitioner. The order, in its paragraph no.14, takes into consideration the fact that the application of petitioner, made on 01.04.2014 i.e. before the retirement, was for withdrawal of G.P.F. amount and accordingly an amount of Rs. 3,77,000/- was paid to him on 30.05.2014 i.e. just one month before his retirement. The petitioner was aware that this amount was required to be deducted from final payment of G.P.F., required to be made to him. However, final payment of Rs.5,74,106/- was made on 20.06.2014,

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without deducting the amount of Rs. 3,77,000/-. The petitioner could have therefore fairly brought this fact to the notice of the respondent concern, but, has failed to act upon it and accepted the amount.

5. In view of above, we do not find any reason to interfere in the order passed by the Maharashtra Administrative Tribunal. Writ Petition is, therefore, dismissed. No costs.

JUDGE

JUDGE

Rgd.