

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

WRIT PETITION NO.3286 OF 2020

Shivdas Bhaga Nagarale ..Petitioner

Versus

The State of Maharashtra and ors. ..Respondents

- WITH -

WRIT PETITION NO.3334 OF 2020

Rafiquoddin Aminodin Kazi ..Petitioner

Versus

The State of Maharashtra and ors. ..Respondents

- WITH -

WRIT PETITION NO.3344 OF 2020

Madhukar Bhika Wagh .. Petitioner

Versus

The State of Maharashtra and ors. .. Respondents

- WITH -

WRIT PETITION NO.3345 OF 2020

Shamrao Madan Pawar ..Petitioner

Versus

The State of Maharashtra and ors. ..Respondents

- WITH -

WRIT PETITION NO.3349 OF 2020

Karbhari Tanaji Dhobi ..Petitioner

Versus

The State of Maharashtra and ors. ..Respondents

Mr P. H. Patil, Advocate for petitioners
Mrs M.A. Deshpande, Addl.G.P. for respondent-State

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 5th March 2020

ORAL ORDER :

1. We have heard learned Advocate for the petitioners and learned A.G.P.
2. The objection of the learned A.G.P. of alternate remedy was considered by this Court while delivering the judgment in Writ Petition No.2344 of 2019 dated 19.3.2019.
3. On merits, it is accepted by the learned Counsel for the petitioners and learned A.G.P. that the petitioners stand on the same premise as the petitioners in Writ Petition No.2344 of 2019 and Writ Petition no.10752 of 2019 with connected Writ Petitions.
4. In the light of that and for the reasons recorded in the judgment in Writ Petition No.2344 of 2019 and Writ Petition No.2345 of 2019 dated 19.3.2019, we follow the same course.
5. In the light referred to above, the Division Bench of this Court had allowed the Writ Petitions and directed to refund the amount along with the interest at the rate of 10% per annum. The Division Bench of this Court in the said writ petitions passed the following order :

“In that view of the matter, all these writ petitions stand allowed. The excess amount, which is deducted from the amount of retirement dues payable to the petitioners in the form of gratuity, be refunded to the respective petitioners along with interest @ 10% a.m. from the date the amount was recovered. The said refund be made within a period of six months.”
6. In the light of above, the present Writ Petitions are also disposed of in terms of the order passed in Writ Petition Nos. 2344 and 2345 of 2019 dated 19.3.2019.

7. The respondents shall refund to the respective petitioners the excess amount deducted from the amount of gratuity/salary along with interest at the rate of 10% per annum from the date the amount was recovered. The payment shall be made within a period of six months.

8. These Writ Petitions are, accordingly, disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V. GANGAPURWALA, J.)

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