

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

90 WRIT PETITION NO.526 OF 2019

NAGORAO DHARBAJI GORE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr.Prakashsing B. Patil

AGP for Respondents/State : Mr.K.N.Lokhande

...

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

DATE : 12/03/2020.

PER COURT :-

1. We have heard learned Advocate for the petitioner and the 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.2344/2019 dated 19/03/2019.

3. On merits, it is accepted by the learned Counsel for the petitioner and learned A.G.P. that the petitioner stands on the same premise as the

petitioners in Writ Petition No.2344/2019 and Writ Petition No.10752/2019 with connected writ petitions.

4. In the light of that and for the reasons recorded in the judgment in Writ Petition No.2344/2019 and Writ Petition No.2345/2019 dated 19/03/2019, we follow the same course.

5. In the judgment 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% p.a. 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 petition is also disposed of in terms of the order passed in Writ Petition No.2344 and 2345/2019 dated 19/03/2019.

7. The respondents shall refund to the petitioner 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. This writ petition is, accordingly, disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE