

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

41 WRIT PETITION NO.11466 OF 2019

SHAIKH MUSHTAQUE FAKIRA
VERSUS
THE STATE OF MAHRASHTRA AND OTHERS

...

Advocate for Petitioner : Mr.M.S. Choudhary
AGP for Respondent No.1: Mr.K.N.Lokhande
Advocate for Respondent Nos.2 and 3 : Smt.Ashwini S.
Hoge Patil

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

DATE : 12/03/2020.

PER COURT :-

1. Recovery is claimed from the petitioner on the ground that advanced increment is paid to the petitioner for which, according to the subsequent Government Resolution, the petitioner is not entitled to it.

2. Mr.Choudhary, the learned Counsel for the petitioner submits that the petitioner is challenging the communication to the extent of recovery.

3. It appears that on the relevant date the petitioner was granted additional increment on the

ground that petitioner has performed excellent work. It is only upon the subsequent resolution, the Government has realized that the same ought not to have been given to the petitioner. The said Government Resolution is not applicable to the petitioner.

4. Be that as it may, the petitioner is a Class III employee. The benefit has been granted to him for more than 10 years back. It would not be proper to claim recovery from the petitioner.

5. In light of that, the impugned order to the extent of recovery is quashed and set-aside.

6. Writ Petition accordingly disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE