

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

962 WRIT PETITION NO.1650 OF 2021

BANSI RATAN SONWANE
VERSUS
THE STATE OF MAHARASHTRA AND OTEHRS

WITH
WRIT PETITION NO. 1651 OF 2021

SARALA W/O KAILASH BHASKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
WRIT PETITION NO.1652 OF 2021

BHAVSING S/O LALSING PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
WRIT PETITION NO. 1653 OF 2021

MOHAN S/O WAMAN PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
WRIT PETITION NO. 1654 OF 2021

GOPAL S/O NINAJI INGALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
WRIT PETITION NO. 1655 OF 2021

ISHWAR S/O BAJIRAO PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
WRIT PETITION NO. 7221 OF 2020

AKHTARSHA DAGASHA FAKIR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
WRIT PETITION NO. 6031 OF 2020

KAILASH S/O AMARSING BORSE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the Petitioners : Shri Prafullasing H. Patil
AGP for the Respondents- State : Mrs.V. S. Chaudhari

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

DATE : 28th JANUARY, 2021

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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.)

shp/-