

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

WRIT PETITION NO. 14048 OF 2021

Kalyani Jetinga Moharkar

.. Petitioner

Versus

The State of Maharashtra and another

.. Respondents

Mr. Mohd. Aseem, Advocate h/f Mr. Shaikh Ashraf Patel, Advocate for the Petitioner.

Mr. S. P. Tiwari, AGP for Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA &
S. G. DIGE, JJ.**

DATED : 15th DECEMBER, 2021.

PER COURT:-

. The petitioner was working as an Assistant Police Constable at the time of retirement. She was working on Class III post. An amount of Rs. 1,65,844/- (Rs. One Lakh Sixty Five Thousand Eight Hundred Forty Four only) has been recovered from the retiral benefits of the petitioner. The petitioner seeks refund of the amount.

2. We have heard the learned A.G.P. for respondent Nos. 1 and 2.

3. The issue is no longer res-integra in case of similarly situated persons from the same department. This Court in Writ Petition No. 5367 of 2016 under order dated 18.07.2017 allowed the petition and

directed refund of the amount recovered from the retiral benefits of the petitioner.

4. For the reasons recorded in the judgment referred to above, we pass the following order.

5. The respondents shall refund the amount recovered from the retiral benefits of the petitioner on account of excess payment made while in service after verifying the amount recovered. The refund shall be made expeditiously and preferably within a period of six (06) months from today.

6. Writ petition is disposed of. No costs.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.