

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

WRIT PETITION NO.7057/2019

Smt. Pramila Wd/o Dhananjay Kapgate,
aged about 52 Yrs., Occ. Nil,
R/o Navegaon Bandh,
Tah. Sadak Arjuni, Dist. Gondia.

..Petitioner.

..Vs..

1. State of Maharashtra,
through its Secretary, General
Administrative Department,
Mantralaya, Mumbai - 400 032.
2. Zilla Parishad, Gondia,
through its Chief Executive Officer,
Gondia, Tah. and Dist. Gondia.
3. The Education Officer (Primary),
Zilla Parishad, Gondia, Tah. and
Dist. Gondia.
4. Deputy Chief Accounts and Finance
Officer, Zilla Parishad, Gondia, Tah.
and Dist. Gondia.

..Respondent.

Shri I.N. Choudhari, Advocate for the petitioner.
Shri A.A. Madiwale, A.G.P for respondent No.1.
Shri A.Y. Kapgate, Advocate for respondent Nos.2,3 and 4.

**CORAM :- SUNIL B. SHUKRE AND
ANIL S. KILOR, JJ.**

DATED :- 12.7.2021.

ORAL JUDGMENT *(Per Sunil B. Shukre, J.)*

Hearing is conducted through Video Conferencing and all the
learned Advocates agreed that the audio and visual quality was proper.

2. Heard.

3. **Rule.** Rule made returnable forthwith. Heard finally by consent.

4. The issue involved in this case is squarely covered by the judgment given in the case of *State of Punjab and others V/s. Rafiq Masih (White Washer) and others* reported in **(2015) 4 SCC 334** and the view taken by us in Writ Petition No.7054/2019 (Smt. Yogeshwari Wd/o Chatruga Choudhari V/s. State of Maharashtra and others) decided today i.e. 12.7.2021 and, therefore, we allow this petition in terms of prayer clauses (i) and (ii) with direction to the respondents to refund the amount of ₹ 5,20,485/- (₹ Five Lac Twenty Thousand Four Hundred Eighty Five Only) recovered from the gratuity payable to the petitioner in 12 equal monthly instalments starting from August 2021 along with interest at the rate of 6% per annum to be calculated for the period between the date of the recovery and date of order in this case. Rule accordingly. No costs.

JUDGE

JUDGE