

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

WRIT PETITION NO. 1310 OF 2018

Shrikant Baliram Malale

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri R. V. Naiknavare, Advocate h/f Ms. Rani V. Ghogare,
Advocate for the Petitioner.

Shri A. R. Kale, A.G.P. for the Respondent No. 1.

Shri Vivek Deshmukh, Advocate for Respondent Nos. 2 to 4.

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

DATE : 11TH JANUARY, 2022.

FINAL ORDER :

. The learned counsel for the petitioner submits that, amount of gratuity to the extent of Rs. 59,513/- has been withheld.

2. The learned counsel for respondent Nos. 2 to 4 submits that, the auditor has raised some objection and it was found that some amount was recoverable from the petitioner. In view of that, the amount has been withheld.

3. We do not find it is a case of fraud or misrepresentation on the part of the petitioner. The recovery is on account of excess payment of various allowances. After the petitioner retired from

service recovery is claimed. No notice was issued to the petitioner of amount allegedly wrongly paid.

4. In view of that, we direct the respondent Nos. 2 to 4 to pay Rs. 59,513/- to the petitioner.

5. It is submitted that, pursuant to the order of this Court, amount of Rs. 59,513/- is deposited by the respondent Nos. 2 to 4. The petitioner is allowed to withdraw the said amount.

6. In view of the above, the writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]

bsb/Jan.22