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

903 WRIT PETITION NO.8286 OF 2022

UJAWALA HIRACHAND BOPALWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

....

Mr D. R. Irale Patil, Advocate for petitioner;
Mr A. R. Kale, A.G.P. for respondent/State
Mr U. B. Bondar, Advocate for respondent Nos.2 to 6

**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 7th September, 2022

PER COURT:

1. The petitioner has put forth prayer clause (B), which reads as under :-

“B) The Hon’ble Court may be pleased to pass necessary order & quash and set aside the impugned order dt. 18.05.2012 passed by resp. no. 3 & order dt. 29.05.2012 passed by the Resp. No. 4 and the respondents may kindly be directed to refund the recovered amount of Rs. 111607/- from gratuity & continue the benefit of advance increment as protection is granted under order dt. 12.01.2021 in W.P. no. 354/2021 passed by the Hon’ble High Court.”

2. The petitioner relies upon an order passed by this Court on 17/12/2019 in Writ Petition No.15133/2019, at Aurangabad. He

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also places reliance upon an order passed by this Court on 12/01/2021 in Writ Petition No.354/2021, at Aurangabad.

3. The learned Advocate representing the Zilla Parishad submits that, several orders have been passed at the Principal Seat and at the Benches with regard to the grant of benefits for the 'excellent work' done by the employees like the petitioner. Based on such orders, benefits have been granted to such petitioners. However, the Zilla Parishad is filing review petitions with regard to all such orders and a review is being sought. If the Zilla Parishad succeeds and the claim of the petitioner is not held to be sustainable by this Court, the petitioner will have to return the amount to the Zilla Parishad or, in the alternative, abide by such directions, as may be issued by this Court. Keeping this fact situation in focus, the Chief Executive Officer, Zilla Parishad, Aurangabad, has passed an order on 05/09/2022, concluding that the amount recovered from the petitioner would be returned to him, subject to the result in the review petitions and further orders by this Court, if the Zilla Parishad succeeds in the review petitions and subsequently in the writ petitions, which would be restored to the file of this Court.

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4. The learned Advocate for the petitioner fairly submits that, not only the petitioner, but even the Zilla Parishad, would be bound by the orders of the High Court. Whatever is the final verdict, either by the High Court or by the Hon'ble Supreme Court, will be binding on all the litigating parties and the petitioner would not be an exception to this legal position.

5. In view of the above, this petition is partly allowed in the light of the order dated 05/09/2022, passed by the Chief Executive Officer, Zilla Parishad, Aurangabad, which is marked as 'X' for identification. Needless to state, if the petitioner eventually suffers an adverse order and if the stand taken by the Zilla Parishad is ultimately sustained, either by this Court or by the Hon'ble Supreme Court, the petitioner will have to refund the amount, subject to such directions/orders, as may emanate from the orders of the Court.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

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