

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

CIVIL WRIT PETITION NO. 193 OF 2022

PETITIONER :- Usha Ramesh Bopche
a/a 40 years, occup.Housewife
r/o Paraswada, Tah Tirora,Dist.Gondia

...VERSUS...

RESPONDENTS :-

1. The State of Maharashtra,
Rural Development Department through
it's Principal Secretary, Mantralaya,
Mumbai.
2. The Zilla Parishad Gondia, Dist. Gondia,
through its Chief Executive Officer,
Gondia,Tah.and Dist.Gondia.
3. The District Animal Husbandary Officer
Zilla Parishad, Gondia Tah. And
Dist.Gondia.
4. The Panchayat Samittee, Tirora,
Dist.Gondia through its block
Development Officer,
5. The Dy. Chief Accountant and Finance
Officer, Zilla Parishad, Gondia, Tah. and
Dist.Gondia.

Mr.VR.Borkar, counsel for the petitioner.
Ms.K.S.Joshi,Addl.G.P for respondent No.1.
Mr.Anant Dixit counsel for respondent Nos.2 to 5.

**CORAM : SUNIL B.SHUKRE &
G.A.SANAP, JJ.**

DATE : 20.09.2022.

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

1. Heard.
2. Rule. Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.
3. Now, it is well settled that if an undertaking has been given by an employee, while in service, regarding refund of the excess payment of salary or other benefits found later on to have been made on account of some mistake in pay fixation or otherwise, the recovery of the excess payment even after the death of an employee is permissible.
4. In the present case, there was an undertaking given by the deceased employee and there is also an undertaking given by the petitioner regarding refund of such excess payment.

Therefore, we find no substance in this Writ Petition. The Writ Petition stands dismissed.

5. Rule is discharged in above terms.

(G.A.SANAP,J)

(SUNIL B. SHUKRE,J)