

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

MISC. CIVIL APPLICATION NO. 404 OF 2022

IN WRIT PETITION NO. 3466 OF 2021

(Mrs. Sunanda W/o Keshav Pendharkar Vs. State of Maharashtra & Ors.)

WITH MISC. CIVIL APPLICATION NO. 405 OF 2022

IN WRIT PETITION NO. 3490 OF 2021

(Mr. Narayan Jagoji Karemore (dead) thr. his LR/ wife Asha Narayan Karemore Vs. State of Maharashtra & Ors.)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Dr. Tushar D. Mandlekar, Advocate for the applicants/ petitioners.

Ms. T.H. Khan, Assistant Government Pleader for the non-applicants/ State.

CORAM : A. S. CHANDURKAR AND SMT. M.S. JAWALKAR, JJ.

DATE : SEPTEMBER 16, 2022.

Heard the learned Counsel for the applicants and the learned Assistant Government Pleader for the non-applicants.

According to the learned Counsel for the applicants, the effect of the Government Resolution dated 26/2/2019 has not been considered in the judgments under review. Further, the law as laid down by the Hon'ble Supreme Court in *State Of Punjab And Others Vs. Rafiq Masih (White Washer) And Others [(2015) 4 SCC 334]* and especially paragraph 18 thereof entitles the applicants for necessary relief.

We find that these aspects had been argued when the Writ Petitions were heard and have been considered while deciding the Writ Petitions. As regards the Government Resolution dated 26/2/2019, the same has been issued by the Rural Development Department while the applicants were serving with the Department of Transport of the State Government. It is also seen that the recovery has been made shortly after the applicants were wrongly granted benefit of the same.

We do not find any error apparent on the face of record. It would be for the applicants to invoke the appellate jurisdiction if they are not satisfied with the judgments under review. The review applications are therefore rejected.

(SMT. M.S. JAWALKAR, J.)

(A. S. CHANDURKAR, J.)