

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

WRIT PETITION NO. 599/2021

Tejram s/o Khamlal Pardhi,
Aged about 60 years, Occ.: Retd.,
R/o Gomatola, Tah. Tirora, District – Gondia.

PETITIONER

.....VERSUS.....

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 District Gondia.
3. The Education Officer (Primary),
Zilla Parishad, Gondia, Tah. and District Gondia.
4. Deputy Chief Accounts and Finance Officer,
Zilla Parishad, Gondia, Tah. and District Gondia.

RESPONDENTS

Shri I.N. Choudhari, counsel for the petitioner.
Ms N.P. Mehta, Assistant Government Pleader for the respondent no.1.
Ms Meghana Munshi, counsel for the respondent nos.2 and 3.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : 16TH JUNE, 2022.

ORAL JUDGMENT (PER : A.S. CHANDURKAR, J.)

RULE. Rule made returnable forthwith and heard the learned
counsel for the parties.

2. The petitioner was serving as Assistant Teacher with Zilla
Parishad, Bhandara and superannuated on 31.12.2018. After

superannuation, the Zilla Parishad through its Deputy Finance Officer has sought to recover the excess payment of Rs.1,42,396/- by the order dated 14.05.2019. Since it is the case of the petitioner that such excess payment was not liable to be recovered post retirement, he made a representation to the Chief Officer on 27.02.2020. That representation not having been decided, the petitioner has filed the present writ petition challenging the recovery as directed on 14.05.2019. The learned counsel for the petitioner seeks to rely upon the decision in **Writ Petition No.2442 of 2021** [*Shyamrao Dasram Channe Versus State of Maharashtra & Others*] decided on 15.03.2022 and submits that the petitioner is similarly situated as those petitioners.

3. Considering the fact that the petitioner's representation dated 27.02.2020 is pending with the Chief Executive Officer, the writ petition is disposed of by directing the Chief Executive Officer to take a decision on the aforesaid representation within a period of six weeks from the receipt of copy of this order. While doing so, the judgment in Writ Petition No.2442 of 2021 shall be taken into consideration. While deciding the representation, the petitioner shall be granted an opportunity of hearing. Such decision shall be communicated to the petitioner.

4. Rule is made absolute in aforesaid terms. No costs.

(URMILA JOSHI-PHALKE, J.)

(A.S. CHANDURKAR, J.)

APTE