

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

927 CIVIL APPLICATION NO.1495 OF 2023
IN WP/9681/2019

SALIM PASHA BASHIRUDDIN
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY

Mr.V.G.Salgare, Advocate for the Applicant.
Mr.P.S.Patil, AGP for Respondent No.1.
Mr.V.C.Patil h/f Mr.U.B.Bondar, Advocate for Respondent Nos. 2 to 4.

(CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.)

DATE : MARCH 17, 2023

PER COURT :

1. The Petitioner has put forth prayer clause B as under :-

"B. By writ, order or directions the respondent Nos. 1 to 4 may kindly be directed to refund the recovered amount of Rs.4,56,666/- (Rs. Four Lac Fifty Six Thousand Six Hundred Sixty Six only) deducted as excess payment from the retirement gratuity of the petitioner by the respondent authorises in view of the ratio/judgment and order delivered in the case of State of Punjab Vs. Rafiq Masih passed by the Hon'ble Supreme Court of India on 18.12.2014 as the case of the petitioner is fully covered by the judgment in the interest of justice."

2. Heard. The Respondents opposed. For the reasons cited,

this application is allowed in terms of prayer clause “B”. Production of documents be carried out within 3 (three) weeks. Liberty to the Respondents to file their affidavits in reply in the Writ Petition.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)