

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

926 CIVIL APPLICATION NO.1493 OF 2023
IN WP/9728/2019

SYED MUSTAGEEBUDDIN SYED GAYASUDDIN RIZVI
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

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 / Applicant 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.4,63,486/- (Rs. Four Lac Sixty Three Thousand Four Hundred Eighty 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”. Amendment be carried out within 3 weeks.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)