

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

907 WRIT PETITION NO.3955 OF 2023

**AMBALAL GORAKHASING RAJPUT
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS**

...

Advocate for Petitioner : Mr. Patil Prafullasing H.
AGP for Respondent/State : Mr. A.A. Jagatkar

**CORAM : MANGESH S. PATIL &
S. G. CHAPALGAONKAR, JJ.**

DATE : 15.06.2023

PER COURT :

Heard the learned advocate for the petitioner and the learned A.G.P, finally.

2. There is no dispute about the fact that an amount of Rs. 1,43,596/- has been recovered from the sum payable to the petitioner as superannuation benefits.

3. It appears that the recovery was made on the premise that his pay was not fixed correctly and it was a case of excess payment. It is nobody's case that any undertaking from the petitioner was obtained while fixing his pay after he was promoted.

4. The case is squarely covered by the principles laid down in the matter of **State of Punjab Vs. Rafiq Masih (WhiteWasher) etc; 2015 AIR SCW 501.**

5. The Writ Petition is allowed. The amount recovered from the petitioner shall be refunded to him, which was deducted from the amounts that were payable and due to him.

6. The amount shall be paid to the petitioner as expeditiously as possible and in any event within six weeks from today. If the amount is not paid within six weeks, it shall carry interest at the rate of Rs. 6% per annum from the date of the order till the entire amount is recovered.

(S. G. CHAPALGAONKAR, J.)

(MANGESH S. PATIL, J.)

mkd/-