

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

945 CIVIL APPLICATION NO. 7809 OF 2023

IN WP/10522/2019

AND

WRIT PETITION NO. 10522 OF 2019

1. LEELA GOPALRAO SONAWANE

2. UJWALA ANANAT SHIMPI

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Irale Patil D.R.

AGP for Respondent No. 1 : Mr. A.S. Shinde

Advocate for Respondent Nos. 2 & 3 : Mr. K.D. Mundhe

...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 07 JULY 2023

PC :

Heard both the sides finally.

2. The petitioners who were posted as 'ANM' under Zilla Parishad, Aurangabad, one of whom has already superannuated and the another is on the verge of superannuation, are aggrieved by the recoveries being made from them on the ground that there was excess payment of the salary.

3. The issue is no more *res integra*. There are several matters decided by this Court relying upon the decision in the matter of Smt. Rama W/o. Purushottam Wanjari Versus The State of Maharashtra and others, dated 07 September 2018, passed by the

High Court (Aurangabad Bench) in Writ Petition No. 10252 of 2018. It is pointed out that by communication dated 10 August 2020, the government has informed all the Chief Executive Officers of Zilla Parishads, not to undertake recoveries, in the circumstances indicated herein, *inter alia*, in respect of Class III and Class IV employees or such Class III and Class IV employees who are on the verge of retirement.

4. In the light of above, we allow the petition. The impugned orders dated 27 November 2013 and 20 March 2017, passed by the respondent nos. 4 and 5 respectively are quashed and set aside. If amounts have been already recovered, those shall be refunded to the petitioners as early as possible and in any case within a period of four (04) weeks from today.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

spc/