

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

WRIT PETITION NO.8029 OF 2023

Bhimrao Tukaram Sarjerao ... **PETITIONER**

VERSUS

1. The State of Maharashtra,
through its Secretary,
Rural Development Department,
Mantralaya, Mumbai.
2. The Chief Executive Officer
Zilla Parishad, Nanded.
3. The education Officer (Primary)
Zilla Parishad, Nanded.
4. The Deputy Chief Account and
Finance Officer Zilla Parishad, Nanded. ... **RESPONDENTS**

...

Advocate for Petitioner : Mr. Anand V. Patil (Indrale).

AGP for Respondents: Mr. S.K. Tambe

Advocate for respondent Nos.2 to 4 : Mr. S.B. Pulkundwar

...

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

DATE : 10.07.2023

PER COURT :

Heard the learned advocate Mr. Anand V. Patil (Indrale) for the petitioner, learned AGP and the learned advocate Mr. Pulkundwar for the respondent Nos.2 to 4.

2. The petitioner who stood superannuated on 30.04.2018 is aggrieved by the recovery made by the respondent Nos.2 to 4 on the

premise that some over payment was made to him pursuant to incorrect pay fixation.

3. The issue is no more debatable in the light of the decision in the matter of **State of Punjab and Ors. Vs. Rafiq Masih (White Washer) and Ors., 2015 (4) SCC 334.**

4. We allow the writ petition and direct the respondent Nos.2 to 4 to refund the amount of Rs.74,763/- recovered from the pensionary benefit of the petitioner, as expeditiously as possible and in any case within six weeks. If the amount is not refunded within that time, the amount shall carry out simple interest @ 6% per annum till the entire amount is recovered.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)