



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

WRIT PETITION NO.14821 OF 2023

**PUSHPABAI ARJUN KUMAVAT
VERSUS
THE CHIEF EXECUTIVE OFFICER AND OTHERS**

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Mr. P B. Patil, Advocate for Petitioner

Mr. V. V. Gujar, Advocate for Respondent Nos. 1 to 5

....

**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 06.12.2023

PER COURT :-

1. The Petitioner's deceased husband is subjected to recovery of amount by the order dated 08.06.2021, for the reason that an excess amount was paid to him under a wrongful pay scale revision. The recovery has been initiated after the husband of the Petitioner passed away while on duty on 23.09.2020. Hence, this Writ Petition by the widow.

2. Having heard the learned Advocates for the respective sides, it is obvious that there is no allegation that the deceased employee was involved in any mischief or fraud or deceit in

orchestrating the wrongful payment to him. The law laid down by the Hon'ble Supreme Court in *Syed Abdul Qadir Vs. State of Bihar and others, 2009 (3) SCC 475* and *State of Punjab and others Vs. Rafiq Masih (White Washer) etc., (2015)4 SCC 334=AIR 2015 SC 696*, would be applicable.

3. The learned Advocate for the Petitioner submits that the impugned order will have to be set aside only to the extent of the recovery under Head Nos. 1 and 2 set out in the impugned order dated 08.06.2021. The recovery towards the school dress scam of Rs.1,88,300/-, is not objected to and the Petitioner has no objection for the recovery of the said amount.

4. In view of the above, **this Petition is partly allowed.** The amount towards Head No.1 and Head No.2 i.e. Rs.2,12,541/- and Rs.5,684/-, respectively shall be refunded to the Petitioner within sixty days, failing which interest at the rate of 5% p.a. from the date of the recovery, shall be payable to the Petitioner.

[Y. G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]

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