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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION**

WRIT PETITION NO. 5305 OF 2023

Ramchandra Krishna Tanpure Petitioner

Vs.

The State of Maharashtra & Ors. Respondents

Mrs.Savita Suryavanshi a/w Ms.Stenna Fernandes for the
Petitioner

Ms.Nisha M. Mehra, A.G.P. for the State

**CORAM: S.V. GANGAPURWALA, ACJ &
SANDEEP V. MARNE,J.**

DATED : APRIL 17, 2023

P.C.

1 The Petitioner is challenging the order of the Tribunal dismissing the Original Application thereby challenging the recovery.

2 We have heard the learned Counsel for the Petitioner.

3 The learned Counsel for the Petitioner submits that earlier recovery was to be made @ Rs.3648/- per month. However, Respondents started recovery @ Rs.5,000/- per month. In fact, recovery ought not to have been claimed by the Respondents from the retiral benefits of the Petitioner. The Petitioner retired as Class-III employee in 2013.

4 We have heard the learned A.G.P.

5 In fact, we do not find any fault in the order of the Tribunal. The Petitioner had given an undertaking also. It appears that excess amount was paid towards commutation of pension and the same ought to have been recovered. It is not the case of recovery on account of excess amount paid during service.

6 According to the learned Counsel for the Petitioner, the Petitioner never gave consent for paying Rs.5,000 per month. The same is wrongly noted by the Tribunal.

7 The recovery of Rs.3,648/- per month was being made from the Respondents and the Petitioner had no grievance about the same. In light of that, it is further submitted that Rs.40,000 is already recovered by the Respondents @ Rs.5,000/- per month.

8 The impugned judgment of the Tribunal and of the authority concerned is modified. Remaining amount shall be recovered by the Respondents @ monthly instalment of Rs.3648/- per month.

9 With the aforesaid observation, Writ Petition is disposed of.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)