

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1899 OF 2019

Arvind Balmukund Bhagwat

.....Petitioner

V/s.

The State of Maharashtra, thr. Secretary
Medical Education Dept. And Ors.

.....Respondents

Mr. Suhas Deokar, Advocate for the petitioner.

Mr. R.P. Kadam, AGP for respondents no.1 to 6.

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

DATE : 3rd APRIL, 2023.

P.C. :

1. The learned Counsel for the petitioner submits that the respondents recovered an amount of Rs.77,962/- while in service and an amount of Rs.3,89,165/- from the retiral benefits.
2. Learned Counsel submits that, the Tribunal ought to have allowed the application even to the extent of Rs.77,962/-. The petitioner is not responsible for wrong pay-fixation nor has played any fraud. The petitioner was given Ad-Hoc promotion as an Assistant Professor and in 2009 grade-pay was given to

the petitioner of Rs.10,000/-. However, subsequently petitioner's promotion as an Ad-Hoc Assistant Professor, was withdrawn. The Tribunal has not given any reasons while refusing the claim of Rs.77,962/-.

3. We have considered the submissions.

4. The petitioner retired as a Group-A officer. The Tribunal considered the special reasons (medical) of the petitioner and directed refund of Rs.3,89,165/- recovered by the respondents from the gratuity amount. The amount of Rs.77,962/- was recovered while the petitioner was in service. The petitioner at that time did not assail the same and assailed the same only after the petitioner was made to retire. The Tribunal has exercised the discretion in a plausible manner. In light of that, the Writ petition is disposed of. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)

**NEETA
SHAILESH
SAWANT**

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