



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 1983 OF 2022

Madhukar s/o Yashwant Sadmek
Aged about 56 years,
Occ.Assistant Teacher (Retired),
R/o. Prabhag No.-07, Aheri
Taluka Aheri, Dist.-Gadchiroli

}

.. Petitioner

Versus

- 1] The Zillha Parishad Gadchiroli,
Through its Chief Executive Officer.
- 2] The Chief Audit and Finance Officer
Zillha Parishad, Gadchiroli

}

.. Respondents

Mr. P.S.Kshirsagar, Advocate for petitioner.
Mr. Sachin Zoting, Advocate for respondents.

**CORAM : PRITHVIRAJ K. CHAVAN AND
URMILA JOSHI-PHALKE, JJ.**

DATE : 27th OCTOBER, 2023.

ORAL JUDGMENT (PER : PRITHVIRAJ K. CHAVAN J.)

Rule. Rule made returnable forthwith. Learned counsel Mr.Sachin Zoting, waives service of notice on behalf of respondents. The writ petition is taken up forthwith for final disposal.

(2) The petitioner was appointed as 'Assistant Teacher' in Zilla Parishad, Gadchiroli, who is admittedly a Class-III employee. The petitioner was retired voluntarily from the services of the Zilla Parishad, Gadchiroli on 19/08/2019. By the impugned order dated 15/07/2020, the respondent No.2 had recovered an amount of Rs.1,33,313/- being an excess payment made to the petitioner.

(3) Learned counsel for the petitioner has placed useful reliance on a judgment of the Hon'ble Supreme Court in the case of **State of Punjab and others vs. Rafiq Masih** reported in **2015 (4) SCC 334**. The issue raised in the petition is no more *res-integra* in view of various pronouncements.

(4) Learned counsel for the respondents is fair enough to admit that the excess amount which is recovered from the petitioner, needs to be refunded.

(5) In that view of the matter, the impugned order dated 15/07/2020, is quashed and set aside.

(6) The respondents shall refund the amount of

Rs.1,33,313/- to the petitioner within eight weeks. If the respondents fail to refund / credit the amount in the account of the petitioner within eight weeks, the said amount shall carry interest @6.00%p.a. till the entire amount is refunded.

(7) The Writ Petition stands disposed of in aforesaid terms. No costs.

Rule is made absolute.

(URMILA JOSHI-PHALKE,J.) (PRITHVIRAJ K. CHAVAN,J.)