



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 WRIT PETITION NO. 12968 OF 2024

Gangadhar Gyandev Gavit and others
VERSUS
The State of Maharashtra Through The Secretary and others
...

AND
WRIT PETITION NO. 12969 OF 2024

Sunil Panditrao Borse and others
VERSUS
The State of Maharashtra Through The Secretary and others
...

Advocate for the Petitioner : Mr. Balaji S. Shinde
AGP for Respondents: Mr. R.S. Wani
Advocate for Respondent Nos. 3 and 5 : Mr.P.S. Patil
.....

**CORAM : MANGESH S. PATIL AND
PRAFULLA S. KHUBALKAR, JJ.
DATED : 04 DECEMBER 2024**

PER COURT :-

The petitioners are aggrieved by the recoveries made from them post retirement, contrary to the principles laid down in the matter of ***State of Punjab and others vs. Rafiq Masih (Whitewasher): (2015) 4 SCC 334.***

2. We have heard both the sides.

3. The petitioners were serving with respondent Nos. 3 and 5

in class-III post. They stood superannuated in the years 2022 to 2024. On the premise that there was incorrect pay fixation, the recoveries have been made from their pensionary benefits.

4. Now, the law having been settled in the matter of **State of Punjab and others vs. Rafiq Masih (Whitewasher) (supra)**, writ petitions are allowed in terms of prayer clause “B”, which reads as under:-

*“B. This Honorable Court, by issuing writ of certiorari, appropriate writ, directions in the like nature, kindly quash and set aside impugned recovery made from petitioners (mentioned in chart-EXH-D) after retirement from pensionary benefits, by towards alleged wrong pay fixation of one step pay scale as same is impermissible in view of the judgment of Honourable Apex Court in case of **State of Punjab and others vs. Rafiq Masih (Whitewasher): (2015) 4 SCC 334**, as petitioners are retired, class-3 employee and consequently kindly direct the respondent no.3 to 5, to refund the amount to the petitioners.”*

5. The amount shall be refunded as expeditiously as possible and in any case within eight weeks, failing which the amount shall carry interest at the rate of 9% p.a.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)