

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

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WRIT PETITION NO. 11728 OF 2023

1. Shivaji Dnyanoba Mile)
Age- 60; Occupation-Retired)
R/o Tandulwadi, Tal-Malshiras,)
Dist- Solapur.)
2. Mahadev Baburao Shete)
Age-60; Occupation- Retired)
R/o Piliv, Tal- Malshiras,)
Dist-Solapur.)
3. Kayamsaheb Hajratnoor Kazi)
Age-62; Occupation- Retired)
R/o Malshiras, Tal-Malshiras,)
Dist- Solapur.)
4. Vaijinath Dyanu Bhosale)
Age- 62; Occupation- Retired)
R/o Malshiras, Tal-Malshiras,)
Dist-Solapur.)
5. Pramod Suryakant Padman)
Age-59; Occupation- Retired)
R/o Natepute, Tal-Malshiras,)
Dist- Solapur.)
6. Gopichand Sadashiv Gavade)
Age-59; Occupation-Retired)
R/o Natepute, Tal-Malshiras,)
Dist-Solapur.)
7. Hanumant Anant Shinde)
Age-60; Occupation-Retired)
R/o Bhamburdi, Tal-Malshiras,)
Dist- Solapur.)
8. Anna Rama Helkar)
Age-6; Occupation- Retired)

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- R/o Barkute, Tal-Karmala,)
Dist- Solapur.)
9. Maruti Mahadev Khupase)
Age-59; Occupation- Retired)
R/o Akluj, Tal-Malshiras,)
Dist-Solapur.)
10. Audumbar Laxman Mane)
Age- 61: Occupation-Retired)
R/o Lavang Section, Tal-Malshiras)
Dist-Solapur)
11. Nagnath Sukhdev Gaikwad)
Age-61; Occupation- Retired)
R/o Malewadi, Tal- Malshiras,)
Dist- Solapur.))
12. Dagadu Dyanoba Bobade)
Age-65; Occupation- Retired)
R/o Navare, Tal-Malshiras,)
Dist- Solapur.)
13. Tanaji Vishwanath Sathe)
Age-62; Occupation- Retired)
R/o Borgaon, Tal- Malshiras,)
Dist- Solapur.)
14. Eknath Vaman Magar)
Age-61; Occupation- Retired)
R/o Nimgaon, Tal- Malshiras,)
Dist- Solapur.)
15. Uttam Lahu Bhosale)
Age-61; Occupation- Retired)
R/o Borgaon, Tal- Malshiras,)
Dist- Solapur.)
16. Ujwala Chandrakant Kulkarni)
Age-61; Occupation- Retired)
R/o Shripur, Tal-Malshiras,)
Dist- Solapur.)
17. Mahananda Aabasaheb Karche)

- Age-62; Occupation- Retired)
R/o Pimpri Morochi, Tal-Malshiras,)
Dist- Solapur.)
18. Sunanda Ashok Kshirsagar)
Age-60; Occupation- Retired)
R/o Karunde, Tal- Malshiras,)
Dist-Solapur.)
19. Shashikala Madhukar Bhagat)
Age- 61; Occupation- Retired)
R/o Velapur, Tal-Malshiras,)
Dist-Solapur.)
20. Chaya Madhukar Ghodake.)
Age-60; Occupation- Retired)
R/o Akluj, Tal-Malshiras,)
Dist- Solapur.)
21. Anita Raghunath Namde)
Age-60; Occupation- Retired)
R/o Natepute, Tal- Malshiras,)
Dist- Solapur.)
22. Umabai Balbhim Kambale)
Age-59, Occupation- Retired)
R/o-Falavani, Tal- Malshiras,)
Dist- Solapur.)
23. Shanta Shamrao Shinde)
Age-61; Occupation- Retired)
R/o. Natepute, Tal-Malshiras,)
Dist-Solapur)
24. Mukta Jagannath Gore)
Age-59; Occupation- Retired)
R/o Natepute, Tal- Malshiras,)
Dist- Solapur.)
25. Prafullata Kiran Vhora)
Age-61; Occupation- Retired)
R/o Velapur, Tal-Malshiras,)

- Dist- Solapur.)
26. Anusaya Pandurang Pandit)
Age-61; Occupation- Retired)
R/o Melawadi, Tal- Malshiras,)
Dist- Solapur.)
27. Shahnaj Abubkar Shaikh)
Age-59; Occupation- Retired)
R/o Dattanagar Akluj, Tal- Malshiras,)
Dist-Solapur.)
28. Shobha Shashikant Pore)
Age-59; Occupation- Retired)
R/o Malshiras, Dist- Solapur)
29. Hari Ganpati Pude)
Age-62; Occupation- Retired)
R/o Malshiras, Dist- Solapur)
30. Bapusaheb Pandharinath Deshmukh)
Age- 60; Occupation- Retired)
R/o Islampur, Tal- Malshiras,)
Dist-Solapur)
31. Bharat Sambhaji Lavate)
Age-59; Occupation- Retired)
R/o Medad, Tal- Malshiras,)
Dist-Solapur)
32. Mahadev Satyappa Bansode)
Age-60; Occupation- Retired)
R/o Solapur, Dist- Solapur.)
33. Mahadev Rajaram Sarvade)
Age-59; Occupation- Retired)
R/o Piliv, Tal-Malshiras, Dist-Solapur)
34. Nagnath Mahadev Kaldhone)
Age-59; Occupation- Retired)
R/o Piliv, Tal-Malshiras, Dist-Solapur)
35. Anil Hiralal Annadate)

- Age-62; Occupation- Retired)
 R/o Akluj, Tal- Malshiras,)
 Dist- Solapur.)
36. Mahabaleshwar Kedarling Kumbhar.)
 Age-62; Occupation- Retired)
 R/o Akluj, Tal-Malshiras,)
 Dist- Solapur.)
37. Maruti Namdev Kshirsagar)
 Age-59; Occupation- Retired)
 R/oAkluj, Tal-Malshiras, Dist-Solapur)
38. Ramchandra Dyanoba Sul)
 Age-60; Occupation- Retired)
 R/o Piliv, Tal-Malshiras, Dist-Solapur)
39. Tanaji Shripati Sopnar)
 Age-62; Occupation- Retired)
 R/o Shripur, Tal-Malshiras,)
 Dist-Solapur)
40. Ramesh Shivram Balkate)
 Age-59; Occupation- Retired)
 R/o Akluj, Tal-Malshiras,)
 Dist- Solapur)
41. Arun Chandrakant Satpute)
 Age-59; Occupation- Retired)
 R/o Tadsundane, Dist-Barshi)
42. Shabbir Hanif Shaikh)
 Age-59; Occupation- Retired)
 R/o Akluj, Tal- Malshiras,)
 Dist- Solapur.)
43. Kantilal Bhimrao Uravane)
 Age-62; Occupation- Retired)
 R/o Pandharpur, Dist- Solapur.)
44. Suvarnamala Nagnath Gavasane)
 Age-59; Occupation- Retired)
 R/o Akluj, Tal- Malshiras,)

- Dist- Solapur)
45. Hapija Dastgir Mujaavar)
Age-60, Occupation- Retired)
R/o Yashwandnagar Akluj,)
Tal Malshiras, Dist- Solapur.)
46. Mahanand Chandrakant Jathar)
Age-63, Occupation- Retired)
R/o Malinagar, Tal- Malshiras,)
Dist- Solapur)
47. Prabhavati Shahuraj Dalavi)
Age-62; Occupation- Retired)
R/o Sangramnagar Akluj,)
Tal-Malshiras, Dist- Solapur)
48. Bhagwan Baba Phalake)
Age-62; Occupation- Retired)
R/o Khandali, Tal- Malshiras,)
Dist- Solapur.)
49. Narhari Kumar Bhasme)
Age-62; Occupation-Retired)
R/o Malshiras, Dist- Solapur.)
50. Surekha Prabhakar Bagade)
Age-63; Occupation- Retired)
R/at- Flat No.105, Siddhanath)
Saptrang, Narhe, Pune-411041)
51. Kavita Pramod Madal)
Age-63; Occupation- Retired)
R/o Akluj, Tal- Malshiras,)
Dist- Solapur.)
52. Jyoti Prakash Nalawade)
Age-62; Occupation- Retired)
R/o Akluj, Tal- Malshiras,)
Dist- Solapur.)
53. Archana Ashok Upalekar)
Age-62: Occupation- Retired)

- R/o Shripur, Tal- Malshiras,)
Dist- Solapur.)
54. Irphana Shahabuddin Shaikh)
Age-60, Occupation- Retired)
R/o Malshiras, Dist- Solapur.)
55. Shrikant Mahadev Suravase)
Age-59; Occupation- Retired)
R/o Piliv, Tal-Malshiras, Dist-Solapur))
56. Rohini Changdev Gund)
Age-62, Occupation- Retired)
R/oAkluj, Tal-Malshiras, Dist-Solapur))
57. Bharat Namdev Rane)
Age-63, Occupation- Retired)
R/o Morochi, Tal-Malshiras,)
Dist-Solapur.)
58. Kisan Baba Kokare)
Age- 63; Occupation- Retired)
R/o Mohol, Tal- Malshiras,)
Dist- Solapur.)
59. Gurunath Ramling Swami)
Age-62; Occupation-Retired)
R/o Chakore, Tal-Malshiras,)
Dist-Solapur.)
60. Ashadevi Vishwanath Gosavi)
Age-63, Occupation- Retired)
R/o Morochi, Tal-Malshiras,)
Dist-Solapur.)
61. Smita Hanumant Jare)
Age-63; Occupation- Retired)
R/o Morochi, Tal- Malshiras,)
Dist-Solapur.)
62. Aruna Mahadev Rokade)
Age-63, Occupation- Retired)
R/o Morochi, Tal-Malshiras,)

- Dist-Solapur.)
63. Jayashree Nandikumar Dahiwal)
 Age-63; Occupation- Retired)
 R/o Morochi, Tal-Malshiras,)
 Dist-Solapur.)
64. Jayashree Sharad Khatavkar)
 Age-63; Occupation- Retired)
 R/o Morochi, Tal- Malshiras,)
 Dist- Solapur.)
65. Vijaya Gangadhar Madane)
 Age-59, Occupation- Retired)
 R/o Piliv, Tal-Malshiras, Dist-Solapur))
66. Chaya Madhukar Ghodake)
 Age-61, Occupation- Service)
 R/o. Velapur, Tal- Malshiras,)
 Dist-Solapur.)
67. Prakash Govardhan Kondhare)
 Age-61, Occupation- Retired)
 R/o barshi dist – Solapur)
68. Rahul Gorakh Botre)
 Age-46, Occupation- Retired)
 R/o Natepute Tal- Malshiras,)
 Dist-Solapur.)
69. Vishnu Sandipal Shinde)
 Age-59, Occupation- Retired)
 R/o Chakore, Dist- Solapur)
70. Umakant Bhanudas Kothmire)
 Age-63, Occupation- Retired)
 R/o Akluj, Dist – Solapur)
71. Mahadev Chintamani Kengar)
 Age-63, Occupation- Retired)
 R/o Mandaki, Tal- Malshiras,)
 Dist-Solapur)

72. Shashikala Vitthal Patil)
 Age-61, Occupation- Retired)
 R/o Dharmapuri, Tal- Malshiras,)
 Dist- Solapur)
73. Ananta Babashaeb Jadhav)
 Age-60, Occupation- Retired)
 R/o Maloli, Tal- Malshiras,)
 Dist- Solapur) ...Petitioners

Versus

1. The State of Maharashtra, Through)
 The Secretary, Education Department)
 Mantralaya, Mumbai.)
2. The Education Officer (Primary))
 Zilla Parishad, Solapur, Dist- Solapur)
3. The Chief Accountant and Finance)
 Officer, Solapur, Zilla Parishad)
 Solapur, Dist- Solapur)
4. The Block Development Officer)
 Malshiras Panchayat Samit,)
 Tal- Malshiras, Dist- Solapur.)
5. The Block Education Officer)
 Malshiras Panchayat Samit)
 Tal- Malshiras, Dist- Solapur.)
6. The Chief Executive Officer,)
 Zilla Parishad Solapur, Dist- Solapur.) ...Respondents

Mr. Satish Raut for the Petitioners.
 Ms. S. H. Kankal, AGP for the Respondent No.1-State.
 Mr. Anand S. Kulkarni for the Respondent Nos. 2, 3 & 6.

**CORAM : RAVINDRA V. GHUGE AND
 M.M. SATHAYE, JJ.**

DATE : 10th OCTOBER, 2024

JUDGMENT (Per Ravindra V. Ghuge, J.)

1. Rule. Rule made returnable forthwith and heard finally, by the consent of the Parties. The learned advocates representing the Respondent Zilla Parishad, Solapur agrees that the Petitioners are identically placed.

2. The Petitioners are the original employees who were working with the Respondent Zilla Parishad and superannuated from employment. All of them were subjected to recovery of amounts, purportedly for the reason that excess amounts were paid to them, under wrongful revised pay scales/erroneous revised pay scales, on the basis of acquiring the certificate of MS-CIT etc. These pay scales were revised more than a decade ago.

3. The grievance of these Petitioners is that recoveries have been initiated against them, from their retiral benefits/pensionary benefits. In some cases, amounts have already been recovered. A chart showing the details of the petitioners, their dates of superannuation, dates of impugned orders and amounts recovered from their retiral

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benefits/pensionary benefits, are as under:-

Sr. No.	Teacher's/ Petitioner's Name	Date of Retirement	Amount of Computer Recovery	Name of the School at the time of Retirement	Date of impugned order
1	Shivaji Dnyanoba Mile	31/05/2021	78028	Falavani Tal- Malshiras	03/09/2021
2	Mahadev Baburao Shete	01/06/2022	45809	Tarangfal Tal- Malshiras	23/09/2023
3	Kayamsaheb Hajratnoor Kazi	31/05/2019	58793	Islampur Tal- Malshiras	27/01/2020
4	Vaijinath Dyanu Bhosale	31/05/2019	74822	Jalbhave Tal- Malshiras	27/01/2020
5	Pramod Suryakant Padman	31/05/2019	46930	Logand, Tal- Malshiras	09/04/2018
6	Gopichand Sadashiv Gavade	10/10/2022	70659	Dahigaon, Tal- Malshiras	17/10/2022
7	Hanumant Anant Shinde	31/05/2021	70122	Kacharewadi, Tal- Malshiras	19/07/2021
8	Anna Rama Helkar	31/05/2018	23013	Sargarwasti, Tal- Malshiras	29/05/2018
9	Maruti Mahadev Khupase	30/06/2019	48696	Khudus, Tal- Malshiras	01/10/2019
10	Audumbar Laxman Mane	18/04/2018	21114	Lavang Section, Tal- Malshiras	07/05/2018
11	Nagnath Sukhdev Gaikwad	31/05/2018	22636	Mohite wasti, Yashwand Nagar, Tal- Malshiras	02/07/2018
12	Dagadu Dyanoba Bobade	30/12/2015	34153	Nevare, Tal- Malshiras	11/01/2016
13	Tanaji Vishwanath Sathe	31/05/2019	50736	Mire, Tal- Malshiras	22/07/2019
14	Eknath Vaman Magar	01/06/2018	39208	Chandapuri, Tal- Malshiras	12/06/2018
15	Uttam Lahu Bhosale	03/11/2020	47739	Umbare (V), Tal- Malshiras	09/11/2020
16	Ujwala Chandrakant Kulkarni	19/05/2018	23174	Malewadi (BR), Kendr Borgaon, Tal- Malshiras	31/05/2018
17	Mahananda Aabasaheb Karche	21/12/2019	54641	Morochi, Tal- Malshiras	17/12/2019
18	Sunanda Ashok Kshirsagar	30/09/2021	47296	Morochi, Tal- Malshiras	05/10/2021
19	Shashikala Madhukar Bhagat	08/12/2020	94054	Bhakarewadi, Tal- Malshiras	16/12/2020
20	Chaya Madhukar Ghodake	31/10/2021	87200	Dattanagar Akluj, Tal- Malshiras	17/12/2021
21	Anita Raghunath Namde	12/11/2019	114576	Bodare Wasti Phondshiras, Tal- Malshiras	18/09/2020
22	Umabai Balbhim	31/05/2022	41055	Velapur Mule,	22/09/2022

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	Kambale			Tal- Malshiras	
23	Shanta Shamrao Shinde	08/12/2020	47739	Kanya Shala Natepute, Tal- Malshiras	16/12/2020
24	Mukta Jagannath Gore	10/10/2022	102206	Phondshiras, Tal- Malshiras	17/10/2022
25	Prafullata Kiran Vhora	30/06/2017	47316	Khandali, Tal- Malshiras	27/10/2017
26	Anusaya Pandurang Pandit	01/06/2020	94005	Malewadi , Tal- Malshiras	20/11/2020
27	Shahnaj Abubkar Shaikh	31/05/2022	46490	Dattnagar Akluj, Tal- Malshiras	26/08/2022
28	Shobha Shashikant Pore	01/06/2022	46707	Bhamburdi, Tal- Malshiras	17/10/2022
29	Hari Ganpati Pude	29/05/2021	57750	Goradwadi, Tal- Malshiras	10/05/2021
30	Bapusaheb Pandharinath Deshmukh	27/08/2020	46364	Mahadevmala Kanher, Tal- Malshiras	03/09/2020
31	Bharat Sambha Lavate	01/06/2022	216546	Chakore, Tal- Malshiras	12/10/2022
32	Mahadev Satyappa Bansode	07/09/2021	172821	Bhamb, Tal- Malshiras	16/09/2021
33	Mahadev Rajaram Sarvade	10/08/2022	48354	Nimgaon (M), Tal- Malshiras	02/08/2022
34	Nagnath Mahadev Kaldhone	12/09/2022	44933	Falvani, Tal- Malshiras	22/09/2022
35	Anil Hiralal Annadate	31/08/2019	23174	Mule No.2 Akluj, Tal- Malshiras	24/09/2019
36	Mahabaleshwar Kedarling Kumbhar	10/12/2019	53513	Malshiras No.1, Tal- Malshiras	20/12/2019
37	Maruti Namdev Kshirsagar	01/06/2021	43342	Velapur, Tal- Malshiras	21/09/2021
38	Ramchandra Dyanoba Sul	02/09/2020	49795	Garvad, Tal- Malshiras	07/09/2020
39	Tanaji Shripati Sopnar	11/06/2021	46767	Bhagat Wasti, Tal- Malshiras	27/06/2019
40	Ramesh Shivram Balkate	30/11/2021	55091	Mahalung, Tal- Malshiras	17/12/2021
41	Arun Chandrakant Satpute	20/07/2019	51256	Tambave, Tal- Malshiras	19/08/2019
42	Shabbir Hanif Shaikh	28/02/2023	48854	Vijaywadi, Tal- Malshiras	10/03/2023
43	Kantilal Bhimrao Uravane	31/05/2022	59086	Khudus Kendra	17/10/2022
44	Suvarnamala Nagnath Gavasane	31/05/2019	51147	Z.P. Shala Dattanagar, Tal- Malshiras	08/04/2019
45	Hapija Dastgir Mujavar	31/05/2021	48696	Yashwant nagar, Tal- Malshiras	19/07/2021
46	Mahanand Chandrakant Jathar	18/02/2017	4285	Mule No.1 Akluj, Tal- Malshiras	18/02/2017
47	Prabhavati Shahuraj Dalavi	30/02/2020	48696	Malewadi (A), Tal- Malshiras	04/01/2021

48	Bhagwan Baba Phalake	31/05/2021	50736	Mandve, Tal- Malshiras	27/06/2019
49	Narhari Kumar Bhasme	18/12/2019	63651	Maynar (Mahalung) Tal- Malshiras	02/01/2020
50	Surekha Prabhakar Bagade	31/10/2017	14665	Borgaon Kendra Tal- Malshiras	04/12/2017
51	Kavita Pramod Madal	21/07/2021	15966	Jambud, Tal- Malshiras	22/02/2018
52	Jyoti Prakash Nalawade	31/10/2019	53191	Akluj, Tal- Malshiras	18/11/2019
53	Archana Ashok Upalekar	01/08/2019	46231	Borgaon, Tal- Malshiras	22/01/2020
54	Irphana Shahabuddin Shaikh	05/11/2020	53208	Tupewasti, Tal- Malshiras	10/11/2020
55	Shrikant Mahadev Suravase	01/06/2022	44017	Garvad, Tal- Malshiras	27/10/2022
56	Rohini Changdev Gund	01/08/2019	94824	Kendrshala, Velapur, Tal- Malshiras	06/01/2020
57	Bharat Namdev Rane	18/12/2019	46931	Dharmapuri, Tal- Malshiras	30/12/2019
58	Kisan Baba Kokare	20/06/2018	26499	Hivare, Tal- Mohal	10/08/2018
59	Guraunath Ramling Swami	31/05/2020	69867	Chakure, Tal- Malshiras	16/12/2020
60	Ashadevi Vishwanath Gosavi	31/08/2019	59009	Velapur Mule, Tal- Malshiras	13/11/2019
61	Smita Hanumant Jare	01/08/2022	46490	Yashwant Nagar, Tal- Malshiras	16/12/2022
62	Aruna Mahadev Rokade	18/05/2019	32751	Mule No.2, Akluj, Tal- Malshiras	27/05/2019
63	Jayashree Nandikumar Dahiwal	08/12/2020	47739	Markadwadi, Tal- Malshiras	16/12/2020
64	Jayashree Sharad Khataavkar	31/01/2020	48696	Pisewasti (Girvi) Tal- Malshiras	07/02/2020
65	Vijaya Gangadhar Madane	31/05/2021	49301	Sulewadi, Malshiras	29/08/2022
66	Mahadev Chintamani Kengar	31/05/2018	42117	Kaner, Tal- Malshiras	02/07/2018
67	Shashikala Vitthal Patil	31/05/2020	39606	Dharampuri, Tal- Malshiras	23/11/2020
68	Ananta Babashaeb Jadhav	31/05/2023	45809	Maloli, Tal- Malshiras	14/07/2023
69	Chaya Madhukar Ghodake	31/10/2021	87200	Dattanagar (Akj) Tal- Malshiras	17/12/2021
70	Prakash Govardhan Kondhare	31/05/2020	97711	Valapur Mule Tal- Malashiras	15/09/2020
71	Rahul Gorakh	19/04/2008	45434	Londhemohite	17/10/2018

	Botre			wadi, Tal- Malashiras	
72	Vishnu Sandipal Shinde	31/05/2022	53410	Umbare, Tal- Malashiras	18/10/2022
73	Umakant Bhanudas Kothmire	31/05/2018	23798	Khudus Tal- Malashiras	08/05/2018

4. We have considered the strenuous submissions of the learned Advocates. It is, however, undisputed that none of these Petitioners had played any fraud or were personally involved in wrongful revision of their pay scales or orchestrating wrongful revision by manipulating the record. There is no allegation of fraud or deceit against any of them. No undertaking was acquired from them as and when the revised pay scale become payable. In some cases, at the stroke of retirement, a condition was imposed that they should execute an undertaking and in these coercive circumstances, that undertaking were extracted from some of them.

5. The learned Advocate representing the Zilla Parishad as well as the learned A.G.P., submit that once an undertaking is executed, the case of the Petitioners would be covered by the law laid down by the Hon'ble Supreme Court in *High Court of Punjab and Haryana and others vs. Jagdev Singh, 2016 AIR (SCW) 3523*. Reliance is placed on the judgment delivered by this Court on 1.9.2021, *in Writ Petition No. 13262 Husen*

of 2018 filed by Ananda Vikram Baviskar Vs. State of Maharashtra and others.

6. We have referred to the law laid down by the Hon'ble Supreme Court in *High Court of Punjab and Haryana and others vs. Jagdev Singh (supra)*. However, the record reveals that no undertaking was taken from these Petitioners when the pay scales were revised. The undertakings from some of them were taken at the stroke of their retirement.

7. An undertaking has to be taken from the candidate on the day the revised pay scale is made applicable to him and the payment commences. At the stroke of superannuation of the said employee, asking him to tender an undertaking, practically amounts to an afterthought on the part of the employer and a mode of compelling the candidate to execute an undertaking since they are apprehensive that their retiral benefits would not be released until such undertaking is executed. Such an undertaking will not have the same sanctity of an undertaking executed when the payment of revised pay scale had commenced. We, therefore, respectfully conclude that the view taken in *High Court of Punjab and Haryana and others vs. Jagdev Singh (supra)*, would not be applicable to the case of *Husen*

these Petitioners, more so since the recovery is initiated after their superannuation.

8. Taking into account that these Petitioners were not involved in any mischief, fraud or deceit in orchestrating their wrongful pay revision, 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 other vs. Rafiq Masih (White Washer) etc. (2015) 4 SCC 334 = AIR 2015 SC 696*, would apply to this case.

9. The **Writ Petition is partly allowed**. The impugned orders are quashed and set aside. The amounts due and payable to the Petitioners, as well as to the widows and other legal heirs, if that is the case, after the superannuation of the said employees/death of the employees, would be paid to these Petitioners or their widows or other legal heirs, if that is the case, within a period of 90 days.

10. The learned advocate for the Petitioners submits on instructions that the Petitioners would not claim any interest on the amount which has already been recovered from them, to the extent of it's repayment. In view thereof, if the amounts are not

paid within 90 days, interest at the rate of Rs.5% p.a. from the date of this order, will be paid.

11. Rule is made absolute accordingly.

(M.M. SATHAYE, J.) (RAVINDRA V. GHUGE, J.)