



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6552 OF 2018

NANDKUMAR GOVINDRAO VAIDYA

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Mr. Nandagavale H. B.

AGP for Respondent/s-State : Ms. R. R. Tandale.

Advocate for Respondent Nos.2 & 3 : Mr. Navandar Manish N.
(Through V. C.)

...

CORAM : S. G. MEHARE, AND
SHAILESH P. BRAHME, JJ.

DATE : 05.02.2025

PER COURT :-

1. Heard both sides finally.
2. The petitioner has filed this writ petition for recovery of difference of amount of Rs.3,13,197/-.
3. The petitioner was the employee of respondent/ University. He was appointed for the period from 21.02.1974 to 31.12.2002. After superannuation, he claimed retiral benefits. He was required to file writ petition No.5534 of 2006. It was disposed of vide judgment and order dated

07.07.2015. As the order passed by this Court was not complied with, he was required to file contempt petition also.

4. The petitioner claimed revised retiral benefits to the tune of Rs.10,39,046/- from the University. The University disbursed an amount of Rs.7,25,849/- to the petitioner. The petitioner is raising the claim for the balance of Rs.3,13,197/-.

5. Learned counsel for the petitioner states that the rate of commutation applied by the University is erroneous. He would further submit that wrong calculations have been made by the University. He is entitled to the interest. He is unauthorizedly denied the due amount.

6. Learned counsel Mr. Navandar appearing for respondent Nos.2 and 3 would advert our attention to the affidavit-in-reply. He submits that the petitioner had made representation on 09.10.2023. Accordingly, he was called in the office and the calculations were made. Our attention is adverted to paragraph No.11 of the affidavit-in-reply wherein it is stated that the petitioner was found to be entitled to Rs.2,53,488/- out of which he was already disbursed Rs.2,41,472/-. The balance amount of Rs.12,016/- was disbursed on 02.01.2024. Learned

counsel Mr. Navandar submits that the calculations were made by independent Officer i.e. Comptroller, who is expert in the field. The balance amount has already been disbursed and nothing is due to be recovered.

7. Having heard rival parties, the claim of the petitioner appears to the difference of Rs.3,13,197/-. The University in its affidavit-in-reply candidly denied the liability of the payment of the claim made by the petitioner. The balance amount of Rs.12,016/- was already disbursed on 02.01.2024 and nothing is due from the University. The petitioner's claim to the amount of difference cannot be appreciated by this Court in writ jurisdiction. We have inherent limitations while exercising jurisdiction under Article 226 of the Constitution of India. We find that the claim of the petitioner involves disputed questions of facts.

8. Apparently, the calculations have been made by Comptroller of the respondent/University. There is no material to disbelieve the respondents. We are not inclined to grant any relief to the petitioner. However, the petitioner would be at liberty to approach appropriate forum as permissible in law

staking monetary claim against the respondent/University.

9. Writ petition stands dismissed.

10. The petitioner will be at liberty to avail appropriate remedy as permissible in law.

11. Time spent in this proceeding can also been taken into consideration by the concerned Authority.

(SHAILESH P. BRAHME, J.)

(S. G. MEHARE, J.)

...

vmk/-