



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

901 WRIT PETITION NO. 6923 OF 2025

Kiran Chaitram Gadhari
Age: 60 years, Occu. Pensioner
R/o. CPS, Hanumantkheda
Tq. Soyagaon,
District Chhatrapati Sambhajinagar

... PETITIONER

VERSUS

1. The State of Maharashtra
Through Secretary, Rural Development
Mantralaya, Mumbai – 32
2. The Chief Executive Officer,
Zilla Parishad,
Chhatrapati Sambhajinagar
3. The Chief Accounts and Finance
Officer, Zilla Parishad,
Chhatrapati Sambhajinagar
4. The Education Officer (P)
Zilla Parishad,
Chhatrapati Sambhajinagar

... RESPONDENTS

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Mr. D. R. Irale Patil, Advocate for the Petitioner
Mr. M. M. Nerlikar, AGP for Respondent No.1 – State
Mr. V. C. Patil, Advocate h/f Mr. U. B. Bondar, Advocate for
Respondent Nos. 2 to 4

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 20.06.2025

ORAL JUDGMENT (Per:- RAVINDRA V. GHUGE, J.)

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

2. The Petitioner has put forth prayer clause (B) as under:-

“(B) The Hon’ble Court may be pleased to pass necessary order and quash and set aside the impugned order dated 14.2.2024 issued by finance department Zilla Parishad, Chhatrapati Sambhajanagar to the extent of recovery of Rs.250229/- made from pensionable payment and the authorities may kindly be directed to refund the said amount within four weeks or as found just and proper by this Hon’ble Court to the petitioner.”

3. We have considered the submissions of the learned Advocates for respective sides and have gone through the Petition paper-book with their assistance. The learned Advocate for the Zilla Parishad, has vehemently opposed this Petition and submits that since an undertaking was given by the Petitioner, he 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.***

4. It is undisputed that the Petitioner who belongs to the reserved category, was in the zone of promotion and he was granted

the promotion on 07.05.2013, to the post of Headmaster. He was scheduled to superannuate on 31.05.2023. Surprisingly, on 01.05.2023, a holiday for the State of Maharashtra, an undertaking is purportedly taken from the Petitioner. Based on such undertaking, the Zilla Parishad desires to reverse the clock and cause a recovery on the ground that the Petitioner was wrongfully granted the promotion.

5. The view taken by the Hon'ble Supreme Court in *Jagdev Singh* (supra), is on completely different facts. In the instant case, when the pension proposal and the retirement papers of the Petitioner started moving from desk to desk, the Zilla Parishad seems to have noticed some error committed more than 10 years ago. Since the Petitioner was on the verge of retirement, an undertaking was said to be extracted from him.

6. The learned Advocate for the Petitioner submits that on 01.05.2023, two pages of printed undertakings were shown to him and he was called upon to sign on the last page. He had no option but to sign since the management would have withheld all his retiral benefits. He relies upon the view taken by this Court vide order dated 01.09.2023, in Writ Petition No.11395 of 2021 (Ulka Ratnakar

Bansode Vs. The State of Maharashtra and others). So also, we find that the case of the Petitioner would be covered by the law laid down 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*. At the fag end of his career and when he was on the verge of retirement, the management compelled him to sign on a State holiday.

7. In view of the above, **this Writ Petition is allowed**. The impugned order dated 14.02.2024, is quashed and set aside. The recovered amount shall be refunded to the Petitioner with 6% interest from the date of recovery till the amount is actually paid. We grant time to the Zilla Parishad to refund the said amount with interest to the Petitioner, on or before 30.08.2025.

8. Rule is made absolute in the above terms.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

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