



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

WRIT PETITION NO. 7968 OF 2025

CHINTAMAN DAULAT MORE AND OTHERS

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS**

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Mr. S. K. Mathpati, Advocate for the Petitioners

Mr. S. D. Ghayal, AGP for Respondents – State

Mr. S. P. Tiwari, Advocate h/f Mr. Pravin S. Patil, Advocate for
Respondent Nos. 3 to 5

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**CORAM : MANISH PITALE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 07.08.2025

ORDER (Per: Y. G. Khobragade, J.) :-

1. With consent of both the sides, the Petition is heard finally at the admission stage.

2. By the present Petition, the Petitioners who are retired as Kendra Pramukh Cluster Chief, prayed for issuance of a Writ of Mandamus, directing Respondent Nos. 5 to 7 to refund their travelling allowance of Rs.250/- paid to them as per the Government Resolution dated 14.11.1994 and Rs.1650/- as per the sixth pay commission, till the date of their retirement, with interest at the rate 6% p.a.

3. The issue involved in the present Petition is no more res integra as per the order dated 28.02.2025 passed by this Court at Principal Seat in Writ Petition No.2520 of 2025 (Krushna s/o Hambirrao Gavhane & Ors Vs. The State of Maharashtra and Ors).

4. Admittedly, all these Petitioners who have retired from service, are Class-3 employees, could be subjected to recovery of amount on the ground that the said amount was paid as travelling allowance and they were not entitled for the same, but they were being paid the said allowance till their superannuation.

5. For the sake of brevity, the details about their appointment, promotion as Kendra Pramukh / Cluster Chief and recovered amount, is as under:-

Sr. No.	Name of the Petitioners	Date of appointment	Date of Promotion as Kendrapramukh/ Cluster Chief	Recovered Amount (Rs.)	Date of Superannuation
1.	Chintaman S/o Daulat More	30.09.1995	08.05.2009	1,63,850/-	29.02.2020
2.	Sanjay S/o Sitaram Kuwar	06.01.1992	15.07.1996	2,20,400	31.05.2023
3.	Smt. Kalpana Jagganath Chaudhari	15.07.1985	08.05.2009	50,750/-	30.04.2020
4.	Laxman S/o Premlal Pardeshi	08.02.1989	25.06.2015	1,58,000/-	31.08.2024
5.	Harishchandra S/o Kedar Gurav	16.07.1985	05.03.2008	1,49,350/-	30.08.2019
6.	Balchand S/o Pitambar Pawar	14.12.1989	22.08.2011	2,56,450/-	31.12.2024
7.	Smt. Mangala Waman Patil	16.07.1985	05.03.2008	1,69,650/-	30.06.2021
8.	Darbarsing S/o Jaysing Rajput	03.10.1985	22.08.2011	1,87,050/-	31.05.2022

9.	Smt. Rajani Yashwant Sagale	30.09.1985	30.08.2008	1,50,850/-	31.05.2019
10.	Sanjay S/o Macchhindranath Patil	04.02.1989		2,13,150/-	30.04.2024
11.	Sayaji S/o Surji Vasave	17.12.1986	02.06.2006	1,50,000/-	31.05.2024
12.	Satish S/o Manikrao Kadamborde	06.02.1989	14.01.2016	1,38,600/-	31.03.2025
13.	Subhashchandra S/o Natu Patil	06.02.1989	21.10.2015	72,500/-	30.09.2024

6. The learned counsel for the Zilla Parishad and the learned AGP have vehemently opposed this Petition. They submit that the money paid to the Petitioners belongs to the tax payer and, therefore, it cannot be mis-utilised. The learned Advocate for the Petitioners submits that though the money belongs to the tax payer, they are not guilty of misrepresentation or deceit or a fraud in receiving such travelling allowance. The Zilla Parishad paid them the travelling allowance as per the approved Rules. It was for the Zilla Parishad to consider whether such Rules were applicable to the Petitioners or not. After their superannuation, as per the dates mentioned in the chart, recoveries cannot be initiated in the light of the law laid down by the Hon'ble Supreme Court in *Syed Abdul Qadri 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*.

7. Considering the above and the law laid down in the judgments cited, we find that the submissions of the learned Advocate for the Petitioners are well placed. Post retirement, such amounts could not have been recovered and more so, none of these Petitioners are alleged to have played fraud in receiving such travelling allowance.

8. In view of the above, the Writ Petition is allowed.

9. Since no order was passed by the Zilla Parishad for carrying out any recovery, save and except, that the retiral benefits of the Petitioners have been withheld, we direct that the said benefits shall be released within a period of 60 days from today along with interest at the rate of 6% p.a. If the retiral benefits are not released within 60 days from today, the rate of interest would increase to 8% p.a. and the interest component would be recovered from the salary of the officer, who is responsible for the disbursement of such amounts.

[Y. G. KHOBRAGADE, J.]

[MANISH PITALE, J.]