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

WRIT PETITION NO. 13451 OF 2024

Momin Mohd. Zafar Saleem, s/o
Mohd. Abdul Jabbar,
Age : 58 years, Occu. Pensioner,
R/o. Plot No. 4, Khushinara Housing Society,
AMC Compound, Central Naka Road, Aurangabad. ….**Petitioner**

Versus

1. The State of Maharashtra,
Through Secretary, Municipal Corporations,
Mantralaya, Mumbai.

2. The Commissioner,
Mahanagarpalika, Municipal Corporation,
Chhatrapati Sambhajinagar, Aurangabad.

3. The Chief Accounts & Finance Officer,
Chhatrapati Sambhajinagar Mahanagarpalika,
Aurangabad. …**Respondents**

………
Ms A. N. Ansari – Advocate for the Petitioner
Mr. A.R. Kale – AGP for the State
Mr. Parth S. Solunke – Advocate for Respondent Nos. 2 and 3
……….

AND
WRIT PETITION NO. 13608 OF 2024

Meena Nathu Mali,
Age : 58 years, Occu. Pensioner,
R/o. Baba Petrol Pump, Mhada Colony,
Building No. M-17, Block No. 194,
Sambhajinagar, Aurangabad. ….**Petitioner**

Versus

1. The State of Maharashtra,
Through Secretary, Municipal Corporations,
Mantralaya, Mumbai.

2. The Commissioner,
Mahanagarpalika, Municipal Corporation,
Chhatrapati Sambhajinagar, Aurangabad.

3. The Chief Accounts & Finance Officer,
Chhatrapati Sambhajinagar Mahanagarpalika,
Aurangabad. ...**Respondents**

....

Ms A. N. Ansari – Advocate for the Petitioner
Mr. A.R. Kale – AGP for the State
Mr. Parth S. Solunke – Advocate for Respondent Nos. 2 and 3

....

CORAM : R. G. AVACHAT
AND
NEERAJ P. DHOTE, JJ.

DATED : 19TH AUGUST, 2025

ORAL ORDER [*Per* Neeraj P. Dhote, J.] : -

1. Learned Advocate for Respondent Nos. 2 and 3 tenders across the bar the Reply-affidavits in both the Petitions, and the same are taken on record.

2. By these Writ Petitions filed under Article 226 of the Constitution of India, the Petitioners, who were in the services of the Respondent-Corporation in the capacity of 'Overseer' and 'Office Superintendent', retired from their services. After retirement, the Chief Accounts and Finance Officer of the Respondent – Corporation, while considering the retiral benefits, noted that a sum of Rs. 6,28,420/- against the Petitioner in Writ Petition No. 13451 of 2024, and a sum of Rs.8,05,120/- against the Petitioner in Writ Petition No. 13608 of 2024,

were paid in excess excess to the Petitioners in both the Petitions. Since recovery of the said amounts, as shown in the orders of the Chief Accounts and Finance Officer of the Respondent – Corporation, was contemplated, the Petitioners have challenged the said orders by way of these Petitions.

3. After hearing all the parties, it was noticed that the Respondent – Commissioner of the Municipal Corporation had passed the Office Order dated 11.01.2024, making it clear that the benefits granted to Class 'C' and 'D' employees from 01.06.1994 till 23.11.1999, pursuant to the completion of seven years of service, shall not be withdrawn, as the G.R. dated 24.11.1999, will have prospective effect. The said orders by which the excess payment to the Petitioners is shown are dated 06.09.2024 and 22.08.2024, which are admittedly subsequent to the aforesaid Office Order dated 11.01.2024 passed by the Respondent – Commissioner.

4. Learned Advocate appearing for Respondent Nos. 2 and 3 - Corporation on instructions, submits that, the impugned orders would be governed by the order of Respondent-Municipal Commissioner dated 11.01.2024, and, therefore, the amount shown as excess payment to the Petitioners by the Chief Accounts and Finance Officer will not be recovered. The statement made by the learned Advocate for Respondent Nos. 2 and 3 – Corporation is taken on record.

5. The leaned Advocate for the Petitioners submits that, in view of the aforesaid statement that, the impugned orders showing the excess payment against the Petitioners will not be acted upon in the light of the Office Order dated 11.01.2024 passed by the Respondent-Commissioner, she may be allowed to withdraw the Petitions.

6. In view of the above, the Writ Petitions stand disposed off as withdrawn.

[NEERAJ P. DHOTE]
JUDGE

[R. G. AVACHAT]
JUDGE

SG Punde

Signed by: Sandeep Gulabrao Punde
Designation: PS To Honourable Judge
Date: 21/08/2025 11:39:56