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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 13729 OF 2025
IN
REVIEW APPLICATION STAMP NO. 35975 OF 2025
WITH
REVIEW APPLICATION STAMP NO. 35975 OF 2025
WITH
CIVIL APPLICATION NO. 13730 OF 2025

Shaheen Tabssum Late Syed Noorul Iqbal

APPLICANT

VERSUS

The State of Maharashtra and Others

RESPONDENTS

Mrs. A. N. Ansari, Advocate for the Applicant

Mr. S. R. Yadav, Lonikar, Advocate for Respondent No.2

Mr. G. A. Kulkarni, AGP for Respondent - State

[CORAM : NITIN B. SURYAWANSHI, &
VAISHALI PATIL-JADHAV, J. J.]

DATE : 12th DECEMBER, 2025

ORDER :

1. For the reasons stated in Civil Application No. 13729 of 2025, delay is condoned and Civil Application is allowed in terms of prayer clause "B"
2. Review Application Stamp No. 35975 of 2025 is filed by the Applicant contending that, she is Class – III employee and, therefore, the ratio in the case of "*State of Punjab and Others*"

V/s Rafiq Masih (White Washer) (2015) 4 SCC 334 is applicable to her case and hence recovery should not be made from her.

3. By the order under review, we have held that, the Applicant is receiving family pension and she was not entitled for Dearness Allowance, which was inadvertently paid to her and, therefore, the Respondents are justified in seeking recovery of the Dearness Allowance paid to her.

4. We have made observation in the order under review that, the Applicant is not Class-III employee of Zilla Parishad, Jalna which is paying family pension to her and, therefore, she was not entitled for Dearness Allowance on family pension.

5. The Applicant by placing reliance on the copy of Departmental Data Sheet, which shows that she is working as Assistant Teacher, Group – “C” employee of Zilla Parishad, Aurangabad, claims that since she is class III employee of Zilla Parishad, Aurangabad ***"Rafiq Masih"*** (*supra*) is applicable to her case. She further contends that for no fault on her part, Dearness Allowance was paid to her on the family pension and the same is not recoverable.

6. We are not impressed by the said argument, as the same argument was advanced, considered and rejected by us while

passing the order under review. Fact remains that the Applicant was not a Class III employee of Zilla Parishad, Jalna, which is paying family pension to her. We, therefore find no merit in the review Application. The same is accordingly dismissed.

7. In view of dismissal of the Review Application, Civil Application No. 13730 of 2025 does not survive and hence the same is also disposed of.

[VAISHALI PATIL-JADHAV]
JUDGE

[NITIN B. SURYAWANSHI]
JUDGE