

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9765 OF 2025

Madhukar Vaijinath Vanve & Ors. ...Petitioners

Versus

The State of Maharashtra & Ors. ...Respondents

Mr. Sandeep B. Sontakke, Advocate for the Petitioners.

Mr. S.B. Kalel, AGP for Respondent No.1/State.

Ms. Priyanka Chavan, Advocate for Respondent Nos.2 & 3/ZP.

CORAM : RAVINDRA V. GHUGE

&

GAUTAM A. ANKHAD, JJ.

DATE : 16th JULY, 2025

ORAL FINAL ORDER (Per Ravindra V. Ghuge, J.) :-

1. All the Petitioners are identically placed. The learned Advocate representing the Respondent Zilla Parishad, Solapur, agrees.

2. The Petitioners are employees who were working with the Respondent Zilla Parishad and have superannuated from employment. All of them were subjected to recovery of amounts, purportedly for the reason that excess amounts were paid to them, under wrongful revised pay scales/erroneous revised pay scales,

calculated on the basis of acquiring the certificate of MS-CIT etc. These pay scales were revised more than a decade ago.

3. The grievance of these Petitioners is that recoveries have been initiated against them, from their retirement benefits/pensionary benefits. In some cases, amounts have already been recovered. A chart showing the details of the Petitioners, their dates of superannuation, dates of impugned orders and amounts recovered from their retirement benefits/pensionary benefits, are as under :-

Sr. No.	Name of the Petitioners	Date of Superannuation	Amount Recovered from the Petitioners
1	Madhukar Vaijinath Vanve	31.05.2024	50,937/-
2	Shashikant Dagadu Hindule		2,17,648/-
3	Shailaja Sharadrao Kasabe	31.01.2013 Died	3,26,271/-
4	Sangeeta Nagnath Khade	28.02.2022 Died	1,17,126/-
5	Kisan Shamrao Yadav	30.04.2020	71,832/-
6	Namdev Kerappa Kharat	31.05.2019	58,431/-
7	Mallikarjun Shivalingappa Vhanutagi	31.05.2017	1,32,185/-
8	Dattatrya Shankar Bobalade	31.03.2025	45,643/-
9	Jyoti Tanaji Yadav	18.10.2023 Died	4,39,588/-
10	Aaba Dattu Shinde	31.05.2011	29,206/-
11	Shivappa Mallappa Mhetre	31.05.2017	7,533/-
12	Vanashri Anil Nashte	23.03.2019 Died	1,61,521/-
13	Hiralal Ananda Kondubhairi	31.05.2022	24,369/-

14	Pandurang Rachappa Mali	31.03.2005	38,608/-
15	Changdeo Gendeo Kamble	31.05.2019	54,801/-
16	Nirmala Devidas Gade	31.05.2024	55,470/-
17	Pandurang Vasant Shinde	31.05.2024	53,913/-
18	Ramesh Keru Chavan	31.07.2024	48,475/-
19	Balbhim Tukaram Shinde	31.05.2024	44,009/-
20	Chandrakant Hairam Bhoi	31.05.2024	56,185/-
21	Jilahi Kondiba Tamboli	31.05.2024	43,244/-
22	Babasaheb Kondiba Shinde	31.05.2024	48,941/-
23	Siddheshwar Dayaji Sule	31.05.2024	46,970/-
24	Jayashree Anna Band @ Jayashri w/o. Bhaskar Ubale	31.07.2024	49,119/-
25	Sunanda Anil Chavan	04.04.2024	43,244/-
26	Dhananjay Yashwant Deshpande	31.05.2024	64,954/-
27	Sarojini Lingappa Gadade	31.08.2024	48,208/-
28	Dilip Baburao Tingare	31.05.2022	47,011/-
29	Kisan Vasant Kharat	31.05.2023	63,488/-
30	Mangal Shantinath Annadate	31.07.2017	12,427/-
31	Rajaram Yashwant Patil	31.05.2024	1,59,766/-
32	Rajaram Raosaheb Patil	31.05.2022	39,853/-
33	Kashiraya Sharanappa Patne	31.05.2023	51,394/-
34	Jagadevi Shrishail Bhasagi	22.08.2018	38,874/-
35	Chandrakant Subhash Patil	In Service	1,53,120/-
36	Balappa Basanna Bhasagi	31.08.2023	83,788/-
37	Popat Kundalik Lawate,	31.05.2024	98,238/-
38	Dilip Kerappa Waghmare	31.03.2023	96,232/-

4. We have considered the strenuous submissions of the learned Advocates. It is, however, undisputed that none of these Petitioners had played any fraud or were personally involved in

wrongful revision of their pay scales or orchestrating wrongful revision by manipulating the record. There is no allegation of fraud or deceit against any of them. No undertaking was acquired from them as and when the revised pay scale become payable. In some cases, at the stroke of retirement, a condition was imposed that they should execute an undertaking and in these coercive circumstances, that undertaking were extracted from some of them.

5. The learned Advocate representing the Zilla Parishad as well as the learned AGP, submit that once an undertaking is executed, the case of the Petitioners 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. Reliance is placed on the judgment delivered by this Court on 1st September, 2021, in *Writ Petition No. 13262 of 2018 filed by Ananda Vikram Baviskar Vs. State of Maharashtra and others*.

6. We have referred to the law laid down by the Hon'ble Supreme Court in *High Court of Punjab and Haryana and others vs. Jagdev Singh (supra)*. However, the record reveals that no undertaking was taken from these Petitioners when the pay scales

were revised. The undertakings from some of them were taken at the stroke of their retirement.

7. An undertaking has to be taken from the candidate on the day the revised pay scale is made applicable to him and the payment commences. At the stroke of superannuation of the said employee, asking him to tender an undertaking, practically amounts to an afterthought on the part of the employer and a mode of compelling the candidate to execute an undertaking since they are apprehensive that their retiral benefits would not be released until such undertaking is executed. Such an undertaking will not have the same sanctity of an undertaking executed when the payment of revised pay scale had commenced. We, therefore, respectfully conclude that the view taken in *High Court of Punjab and Haryana and others vs. Jagdev Singh (supra)*, would not be applicable to the case of these Petitioners, more so since the recovery is initiated after their superannuation.

8. Taking into account that these Petitioners were not involved in any mischief, fraud or deceit in orchestrating their wrongful pay revision, the law laid down by the Hon'ble Supreme

Court 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*, would apply to this case.

9. The **Writ Petition is partly allowed**. Subject to proper verification to be carried out by the Zilla Parishad, preferably within a period of 45 days, the amounts due and payable to the Petitioners as well as to the widows/legal heirs, if that be the case, after the superannuation of such employees, would be paid to these Petitioners/widows/legal heirs as the case may be, within a further period of 45 days.

10. The learned Advocate for the Petitioners submits, on instructions, that the Petitioners would not claim any interest on the amount which has already been recovered from them, to the extent of it's repayment. In view thereof, if the amounts are not paid within 90 days, interest at the rate of Rs.5% p.a. from the date of this order, will be paid.

(GAUTAM A. ANKHAD, J.)

(RAVINDRA V. GHUGE, J.)