

Nikita

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIRCUIT BENCH AT KOLHAPUR**

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.11720 OF 2025**

Sandhya Anand Mahindare

...Petitioner

**versus**

The State of Maharashtra and Ors.

...Respondents

NIKITA  
KAILAS  
DARADE  
ADVOCATE  
IN THE  
HIGH COURT OF  
JUDICATURE AT  
BOMBAY  
CIRCUIT BENCH AT  
KOLHAPUR

.....

Mr. Paras Yadav for the Petitioner.

Mr. S. B. Kalel, AGP for the State.

.....

**CORAM : M.S. KARNIK &  
SHARMILA U. DESHMUKH, JJ.**

**DATE : 16<sup>th</sup> OCTOBER, 2025.**

**P.C:**

1. Present petition challenges the recovery of excess amount which is being deducted from the family pension of the Petitioner from the month of May, 2025 pursuant to the order dated 30<sup>th</sup> April, 2025, passed by the Deputy Chief Accountant, Maharashtra Jivan Pradhikaran, Belapur Navi Mumbai.

2. Learned Counsel appearing for the Petitioner submits that the husband of the Petitioner who was employed on a Class-III post, with the Pradhikaran, retired on 13<sup>th</sup> December, 2012 and by the impugned order, recovery of the excess amount of Rs. 2,73,624/- was ordered. Drawing support from decision of the Hon'ble Apex Court in the case of State of Punjab & Ors. Vs. Rafiq Masih (White Washer) reported in 2015

(4) SCC 334, he submits that the said recovery is impermissible in law.

3. Issue notice to the Respondents, returnable on **19<sup>th</sup> November, 2025**.

4. Learned AGP waives service of notice on behalf of the Respondent No.1.

5. Recovery is sought to be made after a period of almost 13 years of the retirement of the husband of the Petitioner, in respect of excess amount of pension paid for the period from the month of April 2017 to September, 2021, which is *prima facie* impermissible in law.

6. In view of the law laid down by the State of Punjab & Ors. Vs. Rafiq Masih (White Washer) (supra), till the next date, ad-interim relief is granted in terms of prayer clause (c)

**[SHARMILA U. DESHMUKH, J.]**

**[M.S. KARNIK, J.]**