

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8870 OF 2024

1. Shri Ashok Valmik Badoge
2. Thakaji Vithoba Naikwade
3. Sarla Mangoo Nandale
4. Vidya Namdeo Abhonkar
5. Malti Hiranman Wagh
6. Sindhu Trymbak Wagh
7. Sudhakar Bhilaji Khare
8. Ananda Arjun Deore
9. Gangadhar Ambu Desai
10. Dilip Madhavrao Bachhav
11. Lalita Bhaulal Bairagi
12. Vijayn Raghunath Deore
13. Yashawant Supadu Ahir
14. Dilip Motiram Pawar
15. Khandu Bhaorao Savant
16. Baliram Daulat Deore
17. Popat Govinda Jadhav
18. Suryakant Kacharu Garud
19. Vasant Dongar More
20. Shantabai Diliprao Deore
21. Mirabai Nanaji Kapadnis @
Mira Uttam Thakare
22. Prabhakar Ragho Bachhav
23. Vimal Sahebrao Pawar
24. Shantaram Devram Bhangre
25. Hari Kisan Madke
26. Bhalchandra Laxman Jadhav
27. Suresh Karbhari Bhamare
28. Rajni Lalchanda Chaudhari
29. Tarabai Madhukar Pawar
30. Daga Ramchandra Bachhav
31. Suman Kautik Ahire
32. Gyandev Jagannath Garud
33. Kalu Daga Borse
34. Manjula Namdeo Bhangre

35. Bhagawan Namdeo Khetade ... Petitioners

versus

- 1) The State of Maharashtra,
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai -32.
- 2) Chief Executive Officers,
Zilla Parishad, Nashik
- 3) The Education Officer (Primary),
Zilla Parishad, Nashik,
Dist. Nashik
- 4) The Chief Accountants and
Finance Officer,
Zilla Parishad, Nashik,
Dist. Nashik

... Respondents

...
Mr.R.M.Haridas with Mr. Somnath Thengal i/b. Ms.Aarti P. Bhide for the
Petitioners.

Ms.P.N.Diwan, AGP for Respondent No.1, State.

Mr.Ashwin R. Kapadnis for Respondent Nos. 2 to 4, Zilla Parishad, Nashik.

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**CORAM : RAVINDRA V. GHUGE &
GAUTAM A. ANKHAD, JJ.**

DATE : 14th July, 2025

ORAL JUDGMENT (Per : Ravindra V. Ghuge, J.)

1. Office to accept the Vakalatnama of the learned Advocate
appearing on behalf of Respondent Nos. 2 to 4, Zilla Parishad, Nashik.

2 Rule. Rule made returnable forthwith and heard finally, by the consent of the Parties. The learned Advocates representing the Respondent Zilla Parishad, Nashik, agrees that the Petitioners are identically placed.

3. The Petitioners are the original employees who were working with the Respondent Zilla Parishad and 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, on the basis of acquiring the certificate of MS-CIT etc. These pay scales were revised more than a decade ago.

4. The grievance of these Petitioners is that recoveries have been initiated against them, from their retiral 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 retiral benefits/pensionary benefits, is as under:-

S. No	Particulars	Post	Date of Joining	Date of Retirement and date of undertaking	Amount forfeited towards recovery	Date of Order
1	Ashok Valmik Badoge	Center Head	21/2/86	31/5/19	71,547	28/5/19
2	Thakaji Vithoba Naikwade	Center Head	13/12/83	31/5/21	1,82,128	21/7/21
3	Sarla Mangoo Nandale	Head	24/12/86	31/5/20	1,19,779	7/3/21

		Master				
4	Vidya Namdeo Abhonkar	Asst. Teacher	14/12/83	31/1/18	17,524	7/4/18
5	Malti Hiranman Wagh	Assistant Teacher	17/9/85	30/6/19	52,199	20/1/20
6	Sindhu Trymbak Wagh	Head Master	12/12/83	31/5/19	71,908	5/12/19
7	Sudhakar Bhilaji Khare	Head Master	19/6/87	30/9/19	71,331	26/2/20
8	Ananda Arjun Deore	Assistant Teacher	3/11/81	31/10/17	54,930	4/10/17
9	Gangadhar Ambu Desai	Primary Teacher	23/12/86	30/4/20	90,487	26/9/20
10	Dilip Madhavrao Bachhav	Primary Teacher	18/8/89	31/5/21	94,463	14/8/21
11	Lalita Bhaulal Bairagi	Assistant Teacher	10/11/86	30/11/20	1,12,116	4/12/20
12	Vijay Raghunath Deore	Head Master	14/12/83	30/6/20	97,829	25/6/20
13	Yashawant Supadu Ahire	Head Master	8/1/87	30/4/19	55,756	30/11/19
14	Dilip Motiram Pawar	Head Master	23/12/86	31/8/22	1,91,511	5/12/22
15	Khandu Bhaorao Savant	Head Master	22/11/85	28/2/19	39,716	25/2/19
16	Baliram Daulat Deore	Head Master	15/12/83	31/5/20	95,589	26/11/20
17	Popat Govinda Jadhav	Assistant Teacher	19/6/89	31/5/21	61,838	6/7/21
18	Suryakant Kacharu Garud	Head Master	20/6/86	31/5/22	1,51,383	19/5/22
19	Vasant Dongar More	Head Master	29/12/86	30/6/18	22,052	24/12/20
20	Shantabai Diliprao Deore	Assistant Teacher	1/6/82	31/5/20	96,685	15/1/21
21	Mirabai Nanaji Kapadnis @ Mira Uttam Thakare	Head Master	10/9/84	30/6/20	89,726	1/4/21
22	Prabhkar Ragho Bachhav	Assistant Teacher	10/9/84	31/5/19	43,763	23/1/20
23	Vimal Sahebrao Pawar	Head Master	8/8/84	31/5/20	96,685	20/1/21
24	Shantaram Devram Bhangre	Head Master	16/5/85	31/9/21	1,47,642	19/3/21
25	Hari Kisan Madke	Primary Teacher	17/6/92	31/5/20	87,483	24/9/20
26	Bhalchandra Laxman Jadhav	Head Master	25/6/87	30/6/19	48,497	28/5/20
27	Suresh Karbhari Bhamare	Assistant Teacher	17/6/87	31/8/21	90,277	18/8/21
28	Rajni Lalchand Chaudhari	Assistant Teacher	12/7/93	31/12/21	93,036	26/11/21
29	Tarabai Madhukar Pawar	Assistant Teacher	11/11/89	31/7/20	98,320	29/1/21
30	Daga Ramchandra Bachhav	Primary Teacher	21/6/89	31/12/19	1,45,408	25/09/20

31	Suman Kautik Ahire	Head Master	5/12/86	31/07/21	1,75,617	07/12/21
32	Gyandev Jagannath Garud	Primary Teacher	20/6/89	31/5/21	1,18,524	14/8/21
33	Kalu Daga Borse	Kendra Pramukh	14/12/83	30/6/19	66,678	30/6/19
34	Manjula Namdeo Bhangre	Primary Teacher	16/1/93	31/12/20	1,09,932	26/2/21
35	Bhagawan Namdeo Khetade	Head Master	16/9/85	31/05/20	74,503	11/12/20

5. 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 the wrongful revision of their pay scales or orchestrating a 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 undertakings were extracted from some of them.

6. The learned Advocate representing the Zilla Parishad as well as the learned A.G.P., 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 (Aurangabad Bench) on 1.9.2021, *in Writ Petition*

No. 13262 of 2018 filed by Ananda Vikram Baviskar Vs. State of Maharashtra and others.

7. 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.

8. 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 retirement benefits would not be released until such undertaking is executed. Such an undertaking will not have the same sanctity as that 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.

9. 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.

10. **This Writ Petition is partly allowed.** The impugned orders are quashed and set aside. After proper scrutiny and verification by the Zilla Parishad, Nashik, to be completed within a period of 45 days from today, the amounts due and payable to the Petitioners, as well as to the widows and the legal heirs, if any, after the superannuation or death of the concerned employees, shall be paid to the Petitioners, their widows, or legal heirs, as the case may be, within a further period of 60 days.

11. The learned Advocate for the Petitioners submits, on instructions, that the Petitioners pray for interest. The learned Advocate for the Zilla Parishad, Nashik submits that if the amounts are not returned to the concerned Petitioners, if not already returned, within the period granted by this Court, interest may be imposed.

12. We, therefore, record that if the amounts recovered are not returned to the concerned Petitioners within the period (45 + 60 days) after completion of the aforesaid procedure, interest @ 5% per annum from the date of this order, will be paid to the Petitioners.

13. Rule is made partly absolute accordingly.

(GAUTAM A. ANKHAD, J.)

(RAVINDRA V. GHUGE, J.)