

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2518 OF 2025**

Arun Ramling Tikate and Ors.Petitioners

Versus

The State of Maharashtra and Ors.Respondents

Mr. Sandeep B. Sontakke for the Petitioners.

Ms. D.S. Deshmukh, AGP for Respondent No.1.

Ms. Priyanka Chavan for the Respondent - Solapur Zilla Parishad.

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : 24th FEBRUARY, 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 the 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, 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 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, are as under :

Sr. No.	Name of the Petitioners	Date of Superannuation	Amount Recovered from the Petitioners
1	Arun Ramling Tikate	31.08.2021	1,06,673/-
2	Kalidas Shivdas Chavan	30.06.2024	46,958/-
3	Popat Vishwanath Talekar	31.05.2023	58,113/-
4	Prabhavati Achyutrao Patil @ Prabhavati Prakash Dikshit	31.01.2022	44,284/-
5	Sudhakar Bhaurao Mirgane	31.05.2022	44,956/-
6	Shivaji Sukhadeo Doke	31.12.2019	26,755/-
7	Balu Jagannath Mohite	31.05.2022	1,00,059/-
8	Salim Yasin Mujawar	31.08.2023	68,255/-
9	Vishwanath Hudaji Lande	31.05.2021	3,49,192/-
10	Dilip Namdev Yadav	31.05.2019	23,580/-
11	Asha Malojirao Damre	30.11.2018	1,24,718/-
12	Sanjay Jayant Kulkarni	30.11.2024	47,591/-
13	Shobha Kalidas Jagadale	31.10.2023	47,169/-
14	Jagannath Ganpati Kolhe	31.05.2021	37,332/-
15	Gorakhnath Manik Gore	31.05.2022	46,681/-
16	Appasaheb Rajaram Darade	31.05.2021	66,573/-
17	Sunanda Narhari Barkul	31.03.2020	51,274/-

18	Sunanda Murlidhar Kale	30.06.2019	52,367/-
19	Nanda Bandu Barche	30.06.2019	49,781/-
20	Narayan Dhanaji Jadhavar	31.05.2021	51,120/-
21	Ashrubha Shatrughn Jadhavar	30.11.2014	56,570/-
22	Kalavati Bhau Gore	31.05.2024	59,330/-
23	Laxman Chandrahar Piske	30.09.2022	44,341/-
24	Pandharinath Bhanudas Navale	31.05.2020	92,419/-
25	Megha Narayan Kulkarni	31.05.2022	56,546/-
26	Suman Pandurang Walake	01.11.2018	23,178/-
27	Abhimanyu Satyawar Mirgane	31.05.2020	68,247/-
28	Suman Bajirao Ghuge @ Suman Tukaram Jadhavar	30.04.2023	42,798/-
29	Prema Rajendra Wani	31.05.2021	90,881/-
30	Kalyan Shivaji Shendge	30.09.2024	84,946/-
31	Pandurang Shivdas Khamkar	31.05.2024	49,665/-
32	Savita Chandrakant Ghongade	31.05.2023	48,514/-
33	Mohiddin Akbar Nadaf	31.07.2024	42,807/-
34	Pandurang Vitthal Karad	31.05.2023	49,927/-
35	Uttam Shivdas Dhotre	31.05.2024	1,13,953/-
36	Bapusaheb Bhagwat Mirgane	31.05.2019	23,409/-
37	Bhausaheb Nivrutti Gund	24.05.2024	55,442/-
38	Rajeev Madan Kande	31.05.2024	52,801/-
39	Ramraja Uttamrao Jagdale	31.05.2019	23,483/-
40	Kalpana Ramraj Jagdale @ Kalpana Vinayakrao Bhosale	31.03.2019	48,689/-
41	Laxman Vaijinath Agale	31.05.2021	1,40,116/-
42	Tabassum Sayyad Ahamad Patel	31.06.2023	3,75,320/-
43	Laxmikant Mukund Dixit	30.09.2023	47,555/-

44	Chandrant Dagadu Mirgane	31.05.2022	53,794/-
45	Mahadev Tukaram Nanaware	31.05.2022	49,329/-
46	Komal Madhavrao Ghuge @ Komal Piraji Karad	31.05.2022	52,163/-
47	Surekha Lahu Shinde	30.09.2022	58,064/-
48	Vishwanath Dattu Mundhe	30.09.2022	52,715/-
49	Mahadeo Laxman Shinde	30.11.2023	2,16,146/-
50	Mahadev Rambhau Kande	31.05.2020	1,30,057/-
51	Narayan Yetal Kangude	31.05.2020	46,954/-
52	Shamal Dashrath Jadhav @ Shamal w/o. Narayan Kangude	31.05.2018	30,664/-
53	Pramila Sundarrao Jagdale	29.02.2021	44,993/-
54	Sundarrao Baburao Jagdale	31.05.2021	44,993/-
55	Radhika Krushnat Vedpathak	28.02.2023	48,270/-
56	Bharat Vishwanath Honrao	31.05.2021	45,989/-
57	Suman Rajabhau Ratnaparkhe @ Suman w/o. Mohan Thombare	31.05.2024	51,893/-
58	Bhaskar Tukaram Dhakane	31.05.2023	72,866/-
59	Gurappa Yashwant Mhamane	31.05.2024	47,591/-
60	Purushottam Limbaji Ayare	24.05.2024	45,808/-
61	Rajendra Siddheshwar Ghongade	31.10.2023	46,731/-
62	Noorjaha Husen Hakim	31.05.2018	1,05,298/-
63	Shrimant Vitthal Bagal	31.05.2019	49,093/-
64	Surekha Sanjeev Ramdasi	31.03.2024	49,077/-
65	Ashok Vitthal Bhuse	31.05.2024	46,731/-
66	Laxman Ramchandra Bhuse	31.05.2024	46,731/-
67	Sunanda Motilal Sargule	02.10.2017	54,004/-
68	Mahaling Tulshiram	31.05.2020	58,440/-

	Shikhare		
69	Shamrav Bhimrav Khankal	31.05.2020	68,029/-
70	Pratik Hanumant Hundekari	15.01.2016	2,04,494/-
71	Arjun Subrao Pawar	31.05.2024	48,606/-
72	Sajjan Neminath Khadake	30.09.2021	43,338/-
73	Prakash Gangaram Korake	21.05.2021	49,093/-
74	Shakuntala wd/o. Sahebrao Gadekar	31.05.2019	75,901/-
75	Kishor Virkumar Ropalkar	30.06.2021	85,140/-
76	Gorakh Krushna Bore	31.05.2022	1,13,953/-
77	Mohan Mahadeo Rasal	31.08.2020	52,887/-
78	Ranjana Prakash Khatake	30.09.2018	34,115/-
79	Govind Ramchandra Kulkarni	31.12.2023	52,986/-
80	Suman Sopan Shirke	31.05.2022	50,258/-
81	Sushila Sandipan Khandekar @ Sushila w/o. Tanaji Anuse	31.05.2024	47,508/-
82	Sunil Gurunath Shinde	29.02.2020	54,713/-
83	Nana Baburao Naiknaware	31.05.2017	31,359/-
84	Ravindra Ramchandra Bhalerao	31.05.2024	47,539/-
85	Sarjerao Vasantrao Ghadage	31.07.2022	2,29,833/-
86	Arun Mahadev Waste	31.05.2017	13,073/-
87	Suresh Narayan Pakhare	31.05.2022	47,233/-
88	Mangal Suresh Deshmukh@ Mangal Vasantrao Deshmukh	31.05.2024	43,704/-
89	Shahaji Tulshiram Londhe	31.05.2023	56,763/-
90	Kundlik Namdev Shelake	30.06.2017	26,500/-
91	Navnath Narayan Devakar	31.05.2018	2,56,893/-
92	Sharada Prakash Kawade	31.05.2024	49,940/-
93	Gundiba Mhaku Hargude	31.05.2024	66,764/-
94	Nirmala Shripati Kulkarni	31.10.2019	84,550/-

95	Nagnath Madhukar Sathe	31.05.2023	3,25,581/-
96	Renuka Rajkumar Sakhare	31.10.2018	35,996/-
97	Huwanand Davalappa Salagar	31.05.2024	55,747/-
98	Prabhavati Bhimrao Kore	30.06.2024	2,05,631/-
99	Vijayalaxmi Sudhir Parabatrao	31.05.2021	83,564/-
100	Lalita Bhimashankar Dhuttargi	30.07.2019	2,61,670/-
101	Rajashri Ramesh Kulkarni	31.05.2024	46,334/-
102	Bhagyashri wd/o. Vishwas Vhatkar	31.09.2021	5,77,624/-
103	Sushma Janardhan Gaikwad	30.04.2021	2,21,058/-
104	Suman Vaijinath Sabale	31.05.2024	60,768/-
105	Shobha Bhimrao Gangadhare	31.05.2020	65,442/-
106	Raosaheb Yedaba Bhalerao	31.05.2019	59,534/-
107	Satywan Pandurang Sathe	31.05.2022	1,34,237/-
108	Ganpat Kondiba Adlinge	31.05.2021	73,543/-
109	Prakash Madhukar Pawar	30.04.2024	5,04,926/-
110	Ramakant Shivaling Sherjale	31.07.2023	65,130/-
111	Parmeshwar Shivanna Bansode	31.01.2022	2,15,976/-
112	Bhimrao Narayan Ganagadhare	31.05.2014	2,40,191/-
113	Dhondiba Lahu Chawan	31.05.2022	2,38,906/-
114	Shashikala Mallikarjun Awate	31.01.2020	49,470/-
115	Bibhishan Vishwanath Sable	31.05.2023	48,478/-
116	Abdul Matin Makbulsahab Valsangkar	28.02.2022	1,28,314/-
117	Shoula wd/o. Sharayya Swami	31.07.2022	2,24,533/-
118	Mallesha Appaso Bagale	31.05.2023	47,064/-

119	Ambanna Bhimsha Telunagi	31.05.2022	68,113/-
120	Ashok Neru Naik	30.06.2020	40,915/-
121	Nagnath Appasaheb Chavan	31.05.2021	42,581/-
122	Jafar Abdul Mulla	31.05.2023	1,83,194/-
123	Chandrashekhar Revansidhappa Shivgunde	31.05.2023	41,798/-
124	Malappa Shankar Kavathe	31.05.2024	35,811/-
125	Ashatai Mallinath Nadgire	31.01.2022	1,43,111/-
126	Sidramayya Shivayya Swami	31.08.2023	44,801/-
127	Ismail Moula Murdi	31.05.2024	38,921/-
128	Sanganna Chandrashekhar Fatale	31.05.2024	36,339/-
129	Nagamma Kallayya Swami @ Nagamma Suresh Swami	31.05.2020	36,607/-
130	Sunanda Sangappa Birajdar	31.05.2019	22,716/-
131	Abdul Razzak Mahibubsab Balaganur	31.07.2019	41,407/-
132	Jagdevi Shrikrishna Sutar	30.04.2021	41,628/-
133	Sidraya Shivappa Birajdar	31.05.2024	56,716/-
134	Chandrashekhar Shankar Patil	31.05.2021	39,208/-
135	Mahadev Sharanappa Hodalure	31.05.2019	66,436/-
136	Ramkrushna Tipanna Salgare	31.12.2018	35,465/-
137	Ashok Shankarrao Kulkarni	30.04.2018	23,762/-
138	Ramchandra Mahadev Patil	31.05.2023	37,371/-
139	Gurunath Bhimashankar Sutar	31.01.2023	50,192/-
140	Arun Laxman Popasbhat	31.05.2024	40,690/-
141	Nirmala Ram Ingale	31.05.2023	39,618/-
142	Dattatraya Vitthal Sutar	31.05.2022	42,142/-
143	Bharati Mallikarjun Sakkargi	31.05.2018	26,372/-
144	Vajeer Shilar Shipai Shaikh	31.05.2024	37,085/-

145	Subhash Nivrutti Suravase	31.05.2024	38,921/-
146	Tehsina Tausiq Ujani	30.06.2020	78,938/-
147	Najamunnisa Chadchankar wd/o. Kasim Chadchankar	25.10.2022	86,952/-
148	Kalappa Siddhappa Kattimani	31.05.2020	44,250/-
149	Mahadevi Ashok Nilvani	31.05.2024	1,68,946/-
150	Sabakar Shamrao Balchhatre	31.05.2024	62,734/-
151	Mahadev Dnyanu Kalunge	31.05.2024	2,56,436/-
152	Sindhu Mahadev Mane	30.06.2023	48,971/-
153	Nagnath Dattatraya Todkari	31.05.2018	39,573/-
154	Panditrao Sadhu Kambale	31.05.2024	6,93,436/-
155	Vijayalaxmi wd/o. Vashishth Bhosale	19.11.2020	2,91,142/-
156	Doke Hanmant Shamrav	31.05.2024	60,969/-
157	Uttam Devappa Dhage	31.05.2024	58,366/-
158	Sushila Shivaji Surwase	29.02.2024	53,899/-
159	Shankar Nivrutti Jadhav	31.05.2020	50,317/-
160	Krishna Ramchandra Jankar	31.05.2024	53,413/-
161	Swamiling Revansidha Budhehalkar	25.09.2019	3,07,803/-

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**. The impugned orders are quashed and set aside. The amounts due and payable to the Petitioners, as well as to the widows and other legal heirs, if that is the case, after the superannuation of the said employees/death of the employees, would be paid to these Petitioners or their widows or other legal heirs, if that is the case, within a period of 90 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.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)