

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.737/2016

DISTRICT: - BEED

Shri Latif s/o Peerkha Pathan,
Age : 60 years, Occu. : Retired Govt. Servant,
R/o. Wadgaon Dadahari,
Tq. Parli, Dist. Beed.

...APPLICANT

V E R S U S

1) The State of Maharashtra,
Through its Secretary,
Water Conservation Department,
Mantralaya, Mumbai - 32.

2) The Superintending Engineer,
Jaykwadi Project Circle,
Aurangabad.

3) The Executive Engineer,
Majalgaon Canal Division No. 7,
Gangakhed, Tq. Gangakhed,
District- Parbhani.

... RESPONDENTS

APPEARANCE : Shri V.G.Pingle, Advocate for the
Applicant.

: Smt. Sanjivani Ghate, Presenting Officer
for the respondents.

: Shri S.D.Dhongde learned Advocate for
respondent no.3.

CORAM : Justice M.T. Joshi, Vice-Chairman

DATE : 1st December, 2018

O R A L O R D E R
(Delivered on 1st December, 2018)

1. Heard Shri V.G.Pingle, Advocate for the Applicant, Smt. Sanjivani Ghate, Presenting Officer for the respondents and Shri S.D.Dhongde learned Advocate for respondent no.3.

2. By the present application, applicants are claiming following reliefs:

“10. (B) By issue of an appropriate order or direction, the Respondents may kindly be directed to refund the recovered amount of Rs. 65,934/- deduced as excess payment from the retirement gratuity of the applicant by the respondent no. 3 to the applicant in view of the Law/Judgment and order delivered in case of State of Punjab Vs. Rafiq Masih, in Civil Appeal No. 11527/2014 as the case of the applicant is fully covered by this judgment.”

3. It is an admitted fact that after superannuation of the present applicant from the post of Machine Operator i.e. working in Class-C, the impugned order of revision of the pay scale is passed. It is not the case of the respondents that the present applicant was anyway instrumental in

getting wrong order earlier issued by the respondents. Case is therefore squarely covered by the ratio laid down in the case of **State of Punjab and Others V/s. Rafiq Masih (White Washer) etc. in Civil Appeal No.11527 of 2014 (arising out of SLP (C) No.11684 of 2012.**

4. In the circumstances, following order is passed:

ORDER

- (a) O.A. is allowed without any order as to costs.
- (b) Concerned respondents are directed to refund recovered amount deducted from the pensionary benefits/retirement gratuity within a period of 3 months from the date of passing of this order.

VICE CHAIRMAN

Place: Aurangabad
Date : 01-12-2018.

YUK SB oa 737.2016 DT. 01-12-2018 mtj vc