

Court No. - 7

Case :- WRIT - A No. - 7775 of 2023

Petitioner :- Ram Dulare Shukl

Respondent :- U.P. Jal Nigam Thru. Managing Director Lko.
And 3 Others

Counsel for Petitioner :- Shobha Amarnath Tiwari, Aayushi
Sharma, Nikita Mishra

Counsel for Respondent :- Rishabh Kapoor

Hon'ble Abdul Moin, J.

1. Heard learned counsel for the petitioner as well as Sri Sameer Om, learned counsel appearing for all the respondents.
2. At the very outset, learned counsel for the petitioner prays for and is permitted to implead Chief Engineer, Jal Nigam (Rural), Lucknow as respondent no.5 during course of the day.
3. With the consent of learned counsel for the parties, the writ petition is being decided finally.
4. Under challenge is the order dated 10.05.2022 passed by respondent no.4 whereby an amount of Rs.65817/- has been recovered from the retiral dues of the petitioner.
5. The contention of learned counsel for the petitioner is that the petitioner, who was working on a class IV post, retired on attaining the age of superannuation on 31.01.2021. Subsequent to his retirement, the order impugned dated 10.05.2022 has been passed for recovering an amount of Rs.65817/- from the petitioner. The contention is that the aforesaid amount pertains to alleged wrong fixation of salary of the petitioner.
6. Placing reliance on the judgment of the Apex Court in the case of **State of Punjab and others vs. Rafiq Masih (White Washer) - (2015) 4 SCC 334**, the argument of learned counsel for the petitioner is that no recovery can be made from a retired Class IV employee.
7. The aforesaid law as enunciated by the Apex Court in the case of **Rafiq Masih (supra)** is not disputed by the learned counsel for the respondents.
8. Considering the aforesaid as well as the judgment of the Apex Court in the case of **Rafiq Masih (supra)** the writ

petition is **allowed**. The order dated 10.05.2022, a copy of which is Annexure-1 to the writ petition, is quashed. The respondents are directed to refund an amount of Rs.65817/- within two months from the date of receipt of a certified copy of this order.

Order Date :- 18.10.2023

A. Katiyar