



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 23065 OF 2025 (S-RES)

BETWEEN:

SRI JAYARAM REDDY
S/O NANJA REDDY
AGED ABOUT 64 YEARS
RETIRED JUNIOR ENGINEER (ELE)
R/A NO. 173/09, 1ST CROSS
1ST MAIN, KASHI VISHWANATHA LAYOUT
BANGALORE - 560036.

...PETITIONER

(BY SRI. SRINIVASA K., ADVOCATE)

AND:

1. THE MANAGING DIRECTOR (A & HR)
BESCOM, CORPORATE OFFICE
K.R.CIRCLE, BANGALORE - 560001.
2. THE GENERAL MANAGER (A & HR)
BESCOM, CORPORATE OFFICE
K.R.CIRCLE, BANGALORE - 560001.
3. THE EXECUTIVE ENGINEER(ELE.)
KORAMANGALA DIVISION
BESCOM, KORAMANGALA
BANGALORE - 560034

...RESPONDENTS

(BY SRI. LIKITH R.P., ADVOCATE FOR R1 TO R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
ISSUE A WRIT OF CERTIORARI QUASHING THE IMPUGNED

Digitally signed by
MALATHI
CHALUVA IYENGAR
Location: HIGH
COURT OF
KARNATAKA



ORDER BEARING NO. ಕಾನಿಇಂ/ಕೋಎ/ಲೆ/ಸಲೆ/ 6455 DATED 17.01.2025
PASSED BY THE RESPONDENT NO.3 VIDE ANNEXURE-N TO
WRIT PETITION AND ETC.

THIS PETITION, COMING ON FOR FINAL HEARING, THIS
DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

This writ petition is filed under Articles 226 and 227
of the Constitution of India, challenging the order dated
17.01.2025 passed by Respondent No.3, whereby a sum
of Rs.2,72,261/- has been recovered as arrears of salary,
allegedly paid in excess from the years 2013-2021.

2. The case of the petitioner is that he was initially
appointed in the Maintenance cadre and was later
absorbed into the regular Establishment as an Assistant
Lineman in the year 1983. Thereafter, he was promoted as
Meter Reader and subsequently as Junior Engineer (Ele.)in
the Bangalore Electricity Supply Company Ltd., and retired
from service on 31.07.2021. Respondent No.3, by order
dated 17.06.2021 (Annexure-B), reduced the pay drawn
by the petitioner, re-fixed the same with effect from 2013



to 2021, and ordered recovery of a sum of Rs.2,72,261/- from his retirement benefits on the ground that excess increments had been paid.

3. By order dated 17.06.2021 vide Annexure-B, the basic pay of the petitioner was reduced from Rs.65,020/- to Rs.63,120/-. Hence, the petitioner submitted a representation dated 20.09.2021 (Annexure-H) seeking restoration of pay fixation and refund of the excess amount recovered. Since the petitioner's request was not considered, he approached this Court by filing W.P.No.1632/2022. This Court, by order dated 10.09.2024 (Annexure-K), quashed the impugned order dated 17.06.2021 reserving liberty to the respondents to issue appropriate show-cause notice to the petitioner and after hearing him, to pass appropriate orders, in accordance with law. Thereafter, the impugned order dated 17.01.2025 has been passed on the very same ground. Being aggrieved by the same, the petitioner is before this Court.



4. The learned counsel appearing for the respondents submits that since the pay fixation was made erroneously and excess payment was made to the petitioner, the same has been rightly recovered from his retirement benefits by issuing the impugned order. Therefore, the impugned order is in accordance with law.

5. Heard the learned counsel for the parties and perused the writ petition papers.

6. The Apex Court, in the case of **STATE OF PUNJAB & OTHERS VS. RAFIQ MASIH (WHITE WASHER) & OTHERS**, reported in **(2015) 4 SCC 334** has held that if excess payment has been made to an employee without any fault on the part of the employee, the same cannot be recovered. The relevant portion of the judgment is extracted below:

"18. It is not possible to postulate all situations of hardship which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their



entitlement. Be that as it may, based on the decisions referred to hereinabove, we may, as a ready reference, summarise the following few situations, wherein recoveries by the employers, would be impermissible in law:

(i) Recovery from the employees belonging to Class III and Class IV service (or Group C and Group D service).

(ii) Recovery from the retired employees, or the employees who are due to retire within one year, of the order of recovery.

(iii) Recovery from the employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.

(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.

(v) In any other case, where the court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the



equitable balance of the employer's right to recover."

7. In view of the above, the impugned order is liable to be quashed. Accordingly, the following order:

- (i) The writ petition stands disposed of.
- (ii) The impugned order dated 17.01.2025 passed by the third respondent vide Annexure-N is quashed.
- (iii) The respondents are directed to pay Rs. 2,72,261/- to the petitioner along with interest @ 6% p.a. as expeditiously as possible, not later than four weeks from the date of receipt of a certified copy of this order.

**Sd/-
(H.T. NARENDRA PRASAD)
JUDGE**

CM
List No.: 1 Sl No.: 53