

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 6546/2016

(UNION OF INDIA & OTHERS **VERSUS** MANVENDRA RAMKUBER YADAV)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Mrs. M.R. Chandurkar, counsel for the petitioners.

CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : NOVEMBER 22, 2016.

By this writ petition, the petitioners-Union of India and others, have challenged the order of the Central Administrative Tribunal, dated 20.11.2015 directing the petitioners to refund the amount of Rs.94,657/- recovered from the gratuity of the respondent with interest at the rate of 9% per annum, within a time frame.

It appears on hearing the learned counsel for the petitioners and on a perusal of the impugned order that the tribunal was justified in allowing the original application filed by the respondent. The pay of the respondent was allegedly wrongfully fixed in the year 1986 and according to the petitioners, higher pay was paid to the respondent than the pay to which he was entitled. The amount of Rs.94,657/- that was wrongfully paid to the respondent for nearly twenty years was sought to be recovered by the petitioners from the amount of gratuity that was payable to the respondent. The tribunal rightly held that the petitioners were not entitled to recover the amount that was wrongfully paid to the respondent for past several years when he was on the verge of retirement. The view expressed by the tribunal is supported

by the judgment of the Hon'ble Supreme Court in the case of Rafiq Masih, reported in **(2014) 8 SCC 883**.

Since the order of the tribunal is just and proper, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE

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