

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD**

WRIT PETITION NO.7947 OF 2019

Nafees Ahmed Abdul Jabbar .. Petitioner

Versus

The State of Maharashtra  
and ors. .. Respondents

Mr P.B. Patil, Advocate for petitioner  
Mr S.B. Yawalkar, Addl.G.P. for respondent no.1  
Mr M.S. Sonawane, Advocate for respondents no.2 to 4

**CORAM : S.V. GANGAPURWALA AND  
SHRIKANT D. KULKARNI, JJ.**

**DATE : 3.2.2020**

**ORAL ORDER :**

1. The petitioner is challenging the impugned action of the respondents of recovery on account of wrong pay-fixation.
2. Mr Patil, learned Counsel for petitioner submits that the petitioner would restrict his claim to the extent of recovery only.
3. We have heard the learned Advocate for the petitioner and the respondents.
4. It is not disputed that the petitioner is working as Class-III employee. The recovery is claimed from the petitioner on account of erroneous pay fixation. The petitioner could not have been paid salary of a graduate teacher.
5. The reliance is placed on the judgment of Apex Court in case of **State of Punjab & Ors. Vs. Rafiq Masih (White washers), reported in 2015 (4) SCC 334** by the petitioner.

6. It appears that the recovery is claimed after a long gap, almost after about four to five years. The petitioner is working on Class-III post. It would be inappropriate to claim the said amount from the petitioner.

7. In light of above, the impugned order is quashed and set aside. The respondent no.3 shall refund the amount of recovery of Rs.1,49,503/- to the petitioner, expeditiously and preferably within four months.

8. Writ Petition accordingly disposed of. No costs.

**( SHRIKANT D. KULKARNI, J.)**

**( S.V. GANGAPURWALA, J.)**

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