

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

1048 WRIT PETITION NO.6024 OF 2022

RAHUL HARI PATIL
VERSUS
THE CHIEF EXECUTIVE OFFICER AND OTHERS

...
Advocate for Petitioner : Mr.Bolkar Yogesh B.

...

CORAM : RAVINDRA V. GHUGE, &
ANIL L. PANSARE, JJ.

DATE : 17th JUNE, 2022.

PER COURT :

1] The learned counsel for the petitioner submits that recovery has been claimed by the respondents from the retiral benefits of the petitioner on the ground of wrong pay fixation. According to the learned counsel, the petitioner, at the time of retirement, was working as Class-3 employee. The learned counsel refers to the judgment of the Hon'ble Apex Court in the case of **State of Punjab Vs. Rafiq Masih [White Washer], 2015 [4] SCC 334.**

2] Mr. Sonawane, the learned counsel appearing for the respondents, submits that the petitioner would be refunded the amount recovered after 2018. But, the petitioner is not entitled for refund of the amount which is already recovered prior thereto.

3] It is not disputed that the petitioner, as on the date of retirement, was working as Class-3 employee. Recovery is claimed in respect of the payment made to the petitioner on the basis of a wrong pay fixation from the year 2008 onwards. It would not be equitable to recover the said amount from the retiral benefits. It is not the case of the respondents that the petitioner had misrepresented and on the basis of misrepresentation, wrong pay was fixed. The parameters as laid down in the judgment of the Hon'ble Apex Court in the case of **State of Punjab Vs. Rafiq Masih [White Washer]** [supra] are attracted in the present case.

4] In the light of the above, the respondents would refund the amount recovered from the retiral benefits of the petitioner, on the basis of wrong pay fixation. The same be refunded within six months.

5] The Writ Petition is, therefore, disposed off.

(ANIL L. PANSARE)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE