

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

915 WRIT PETITION NO.10901 OF 2022

SAYYED TAJAMMUL HUSAIN SHAKIRALI
VERSUS
THE CHIEF EXECUTIVE OFFICER ZILLA PARISHAD JALGAON AND
OTHERS

...

AND

917 WRIT PETITION NO.10903 OF 2022

SAYED MUMTAZ ALI NAWAZ ALI
VERSUS
THE CHIEF EXECUTIVE OFFICER ZILLA PARISHAD JALGAON AND
OTHERS

...

AND

918 WRIT PETITION NO.10905 OF 2022

INTEZAR ALI SHARIF ALI SAYED
VERSUS
THE CHIEF EXECUTIVE OFFICER ZILLA PARISHAD JALGAON AND
OTHERS

...

AND

919 WRIT PETITION NO.10906 OF 2022

SAYYAD SABIR ALI ABID ALI
VERSUS
THE CHIEF EXECUTIVE OFFICER ZILLA PARISHAD JALGAON AND
OTHERS

...

AND

920 WRIT PETITION NO.10907 OF 2022

KHALIL AHMED SHAIKH MANSOOR
VERSUS
THE CHIEF EXECUTIVE OFFICER ZILLA PARISHAD JALGAON AND
OTHERS

...

AND

921 WRIT PETITION NO.10908 OF 2022

SHAIKH ULFAT JAHAN MOHAMMED TAHER

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VERSUS
THE CHIEF EXECUTIVE OFFICER ZILLA PARISHAD JALGAON AND
OTHERS

...

AND
923 WRIT PETITION NO.10911 OF 2022

MOHAMMAD SALIM MAZHAR ALI
VERSUS
THE CHIEF EXECUTIVE OFFICER ZILLA PARISHAD JALGAON AND
OTHERS

...

AND
924 WRIT PETITION NO.10913 OF 2022

SAIYED HAMIDUDDIN ZAINULAREGEEN
VERSUS
THE CHIEF EXECUTIVE OFFICER ZILLA PARISHAD JALGAON AND
OTHERS

...

Advocate for Petitioners : Mr. Bolkar Yogesh B.
Advocate for Respondents 1 to 3 : Mr. Balaji S. Shinde

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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 19th OCTOBER, 2022.**

PER COURT :-

1. The learned counsel for the petitioners submits that recovery has been initiated by the respondents from the retiral benefits of the petitioners on the ground of wrong pay fixation. According to the learned counsel, the petitioners at the time of retirement, were working as Class-3 employees. 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. Shinde, the learned counsel appearing for the respondents

submits that the petitioners would be refunded the amount recovered after 2018. But, the petitioners are not entitled for refund of the amount which is already recovered prior thereto.

3 It is not disputed that the petitioners, as on the date of retirement, were working as class-3 employees. Recovery is claimed in respect of the payment made to the petitioners 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 petitioners 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 petitioners, on the basis of the wrong pay fixation, within six months, if not already refunded.

5. The writ petitions are, therefore, disposed off.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

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