

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4695 OF 2006

Union of India & Ors.

....Petitioners

V/S

Hon. Secretary

National Union of RMS/MMS

Employees Union & Ors.

....Respondents

...

Mr. N.R. Prajapati for the Petitioners-UOI.

None for the Respondents.

...

**CORAM: S.V. GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATE : 18 JANUARY 2023.

P.C.:

1 We have heard the learned Advocate for the Petitioners.

2 The learned Advocate for the Petitioners submits that the Central Administrative Tribunal (hereinafter referred as 'Tribunal' for short) committed grave error in allowing the Original Application and setting aside the recovery claim. The recovery was on account of excess amount of the bonus was paid. The bonus was of adhoc productivity linked bonus.

3 The Respondent No.3 herein was working as casual labour (class IV employee). The recovery has been set aside by the Tribunal.

4 It is not the case of the Petitioners that the payment was made on account of the false representation or fraud on the part of the Respondents. The Respondents were casual labourers (class IV employees). The recovery claim was also of very earlier period. The hardship will be caused if the amount is recovered. All the parameters laid down by the Supreme Court in the case of ***State of Punjab & Ors. vs. Rafiq Masih (White Washer) & Ors.***, reported in ***(2015) 4 SCC 334*** are attracted.

5 In light of the above, the Tribunal has not committed any error in passing the impugned order. The Writ Petition as such is dismissed. Rule is discharged. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)

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