

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 477 OF 2021

Union of India and others. ... Petitioners.
V/s.
Shri Rajendra Vitthal Vanarase. ... Respondent.

Ms.Naveena Kumai for the Petitioners.
None for the Respondent.

SANJAY
KASHINATH
NANOSKAR

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CORAM : NITIN JAMDAR, AND
MANJUSHA DESHPANDE, JJ.

DATE : 7 December 2023.

P.C. :

This petition is filed by the Union of India challenging the order dated 18 September 2018 passed by the Central Administrative Tribunal allowing Original Application No.290/2017 filed by the Respondent. A recovery was sought to be made from the Respondent to the tune of Rs.4,25,908/- in March 2017 which recovery has been set aside by the Tribunal by the impugned order by invoking principle laid down by the Hon'ble Supreme Court in the case of *State of Punjab v. Rafiq Masih*¹.

2. The learned counsel for the Petitioner- Union of India sought to contend that the Respondent has given undertaking and

1 AIR 2015 SC 696

relied upon the decision of the Supreme Court in the case of *High Court of Punjab and Haryana v. Jagdev Singh*². This argument has been considered by the Tribunal and the decision in *Jagdev Singh* has been distinguished. The aspect of undertaking has been considered.

3. Admittedly, the Respondent was working in Group 'C' category and would be covered by the decision in *Rafiq Masih*. The Respondent is also retired in the year 1996. Recovery was sought to be made almost 30 years thereafter. In light thereof, we find no error in the view taken by the Tribunal.

4. Writ petition is rejected.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)