

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10325 of 2024

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Shashi Bhushan Singh son of Sri Rameshwar Prasad Singh, Ex Postal Assistant, Patna G.P.O., Retired SPM (LSG), Bihiya SO, Bhojpur Postal Division, Resident of Village-Ganauli, P.O. Mashrakh, District-Saran (Bihar).

... .. Petitioner/s

Versus

1. The Union of India through the Director General of Post, Ministry of Communication, Department of Post, Sanchar Bhawan, New Delhi-110001.
2. The Chief Post Master General, Bihar Circle, Patna-800001.
3. The Director, Postal Service (HQ.), Office of the Chief Post Master General, Bihar Circle, Patna-800001.
4. The Chief Post Master, Patna G.P.O., Patna-800001.
5. The Director Postal Accounts, G.P.O. Campus, Patna-800001 (Bihar).
6. The Senior Superintendent of Post Offices, Saran Division, Chapra (Bihar).
7. The Senior Post Master, Chapra Head Post Office, Chapra, District (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. M.P. Dixit, Adv. Mr. S.K. Dixit, Adv. Mr. S.K. Chaubey, Adv. Mr. Punit Ranjan Dixit, Adv. Mr. Milind Raj Dixit, Adv. Mr. Rahul Raj, Adv.
For the UOI	:	Mr. Deepak Kumar, Sr. CGC Mrs. Parul Prasad, CGC Mr. Aditya Anand, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
and
HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

20 09-12-2025 The present writ petition has been filed against the judgment dated 08.05.2024, passed by the learned Central Administrative Tribunal, Patna Bench, Patna (herein after



referred to as the “learned CAT”) in O.A. No. 050/00584/2017 whereby and whereunder the Original Application filed by the petitioner herein has stood dismissed.

2. Shorn of details, we find that two issues arise for consideration in the present writ petition, firstly as to whether the reduction of pay of the petitioner from Rs. 16,900/- to Rs. 9,910/- as on the date of joining, i.e. 10.10.2006 suffers from any legal infirmity or not and secondly, whether the respondents are entitled to recover the excess amount of pay already paid to the petitioner without any misrepresentation on his part.

3. We find that the learned counsel for the parties have reached at a consensus in view of the well settled law propounded by the Hon’ble Apex Court on the entitlement of the employer to recover amount paid in excess to the employee without any fault of the employee. The law in this regard is no longer *res integra* and we would gainfully refer to a catena of judgments rendered by the Hon’ble Apex Court on the issue that recovery of the amount paid in excess to the employee by the employers, even in a case like the present one is impermissible under the law. For ready reference we deem it fit and proper to refer to the following Judgments rendered by the Hon’ble Apex Court:-



- (i). Judgment rendered in the case of Syed Abdul Qadir vs. State of Bihar, reported in **(2009) 3 SCC 475**;
- (ii). Judgment rendered in the case of Shyam Babu Verma vs. Union of India, reported in **(1994) 2 SCC 52**;
- (iii). Judgment rendered in the case of Sahib Ram vs. State of Haryana, reported in **(1995) Suppl.1 SCC 80**;
- (iv). Judgment rendered in the case of B.Ganga Ram vs. Regional Joint Director, reported in **(1997) 6 SCC 139**;
- (v). Judgment rendered in the case of Purshottam Lal Das vs. State of Bihar, reported in **(2006) 11 SCC 492**;
- (vi). Judgment rendered in the case of Bihar State Electricity Board vs. Bijay Bhadur, reported in **(2000) 10 SCC 99**;
- (vii). Judgment rendered in the case of B.J. Akkara vs. Government of India University, reported in **(2006) 11 SCC 709**;
- (viii). Judgment rendered in the case of State of Punjab vs. Rafique Masih, reported in **(2015) 4 SCC 334**;
- (ix). Judgment rendered in the case of Thomas Daniel Vs. State of Kerala and Others, reported in **(2022) SCC Online SCC 536**;

4. Thus, while the learned counsel for the petitioner Sri. M. P. Dixit has agreed to forego the petitioner's first claim regarding challenge to the reduction of pay from Rs. 16,900/- to Rs. 9,910/- as on the date of joining, i.e. 10.10.2006, ultimately leading to reduction of basic pay of the petitioner from Rs.



72,800/- to Rs. 44,100/- as mentioned in the order dated 31.07.2023, passed by the respondent no. 5, the learned counsel for the respondents Mrs. Parul Prasad has conceded to the second issue and has submitted that the respondents will not recover the excess amount of pay already paid to the petitioner.

5. We find that the learned counsel for the respondent has agreed not to make any recovery from the petitioner in view of the fact that in the case of a similarly situated employee, wherein also interpretation of DOP & T circular/OM dated 05.04.2010 was under consideration and though the Ld. CAT, vide order dated 30.06.2017, passed in O.A.050/00715/2015 (Surendra Kumar Singha Vs. The Union of India & Ors.) had dismissed the said OA by upholding the reduction of pay and refusing to interfere with the action of the department to recover the excess amount paid, which was also upheld by the learned Division Bench of this Court, by a judgment dated 04.01.2018 passed in C.W.J.C. No. 16755 of 2017 (**Surendra Kumar Singh Vs. the Union of India & Anr.**) whereunder the High Court had not quashed the order of recovery, however upon the aforesaid order dated 04.1.2018 being challenged before the Hon'ble Apex Court in Civil Appeal No. 7320 of 2022, by the said **Surendra Kumar Singh**, the



Hon'ble Apex Court, by a judgment dated 14.10.2022, has not only been pleased to set aside the Order dated 04.01.2018, passed by the learned Division Bench of this Court in C.W.J.C. No. 16755 of 2017 but has also specifically quashed the order of recovery.

6. Having regard to the agreement arrived at between the parties and with the express consent of the parties, we are disposing of the present writ petition on the following terms:-

(i). The order dated 31.07.2023, passed by the respondent authorities (respondent No. 5) to the extent, the basic pay of the petitioner has been reduced from Rs.72800/- to Rs.44100/- is upheld;

(ii). That portion of the afore-said order dated 31.07.2023, passed by the respondent no.5, whereby and whereunder recovery of a sum of Rs. 45,39,487/- has been directed to be made from the petitioner is set aside;

(iii). It is directed that the respondents shall not, henceforth recover the excess amount of pay already paid to the petitioner on account of reduction of the petitioner's basic pay and

(iv). In case any recovery has already been effected from the petitioner, the same shall be refunded within a period of four months from today, failing which the same shall carry an interest @ 18% per annum for the period of



delayed payment.

7. The writ petition stands disposed of on the
aforesaid terms.

(Mohit Kumar Shah, J)

(Soni Shrivastava, J)

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