



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

1007 WRIT PETITION NO. 5783 OF 2021

Asha Laxman Sonwane

VERSUS

The State Of Maharashtra And Others

...

Advocate for the Petitioner : Mr. Irale Patil D.R.

AGP for Respondents-State: Mr. Shri K.K. Naik

Advocate for Respondents No.2 and 3 : Mr. C. D. Biradar

...

**CORAM : R. G. AVACHAT &
ABASAHEB D. SHINDE, JJ.**

Dated : NOVEMBER 11, 2025

PER COURT : -

1. The petitioner was serving as a Lady Health Visitor with the respondent Zilla Parishad. She superannuated on 31/12/2024. The respondent-Zilla Parishad has initiated recovery of a sum of Rs.3,37,621/- on the ground that excess salary was paid to her due to erroneous pay fixation. According to the respondent-Zilla Parishad, the pay fixation was wrongly made and, therefore, the petitioner was overpaid, which amount is now sought to be recovered. The petitioner, by the present writ petition, relies upon the judgment of the Hon'ble Apex Court in *State of Punjab and Others v. Rafiq Masih (White Washer) and Others*, (2015) 4 SCC 334, wherein the Supreme Court summarized the situations in which recovery of excess payment by the employer would be impermissible in law, namely:

“i) Recovery from the employees belonging to Class III and Class IV service,

- ii) Recovery from the retired employees or the employees who are due to retired within one year, of the order of recovery,
- iii) Recovery from the employees when excess payment has been made for a period in excess of five years before the order of recovery is issued,
- iv) Recovery in cases where an employee wrongfully been required to discharge duties of higher post and has been paid according, even though he should have rightfully been required to work against and said inferior post and
- v) In any other case where the court arrives at the conclusion, that recovery if from the employee, would be iniquitous balance of the employer's rights to recover."

2. Admittedly, the petitioner was a Class-III employee and she is not responsible for any excess payment of salary. In view of the dictum of the Hon'ble Apex Court in the aforesaid judgment, we allow the writ petition in terms of prayer clause 'B1'.

3. In view of the above, the petition stands disposed of.

(ABASAHEB D. SHINDE, J.)

(R. G. AVACHAT, J.)

vj gawade/-.