



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.2065/2025

MSRTC, Yavatmal .Vs. Jafar Khan Mehmud Khan

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. C. Mehadia, Advocate for petitioner.

CORAM : **ANIL L. PANSARE, J.**

DATE : **APRIL 16, 2025**

Challenge is to judgment dated 17.08.2022 passed in Complaint ULP No.198/2015 by Industrial Court, Yavatmal.

2. Having heard counsel for the petitioner, it appears that the petitioner intended to recover Rs.99,540/- on account of excess payment made to respondent-employee, who was working as a Conductor. The excess payment is made because of incorrect fixation of the pay. In fact, the amount was recovered and, therefore, the respondent approached the Industrial Court, which was pleased to allow the complaint directing the petitioner to pay the aforesaid amount along with interest at the rate of 6% per annum from the date of institution of the complaint till its realisation.

3. Law on the point is well settled. The Supreme Court, in **State of Punjab and Ors. Vs. Rafique Masih (White Washer) and Ors. [(2015) 5 SCC 334]**, held that benefit of non-recovery cannot extend to employee merely because he was not accessory to mistake committed by employer, or was not guilty of furnishing any factually incorrect information, or fraud or misrepresentation. However, even though there can be no exhaustive determination or list, recoveries would be impermissible from employees belonging to Class III & Class IV (Groups C&D).

4. In the present case, the respondent being Class III employee, the petitioner could not have recovered the amount.

5. That being so, the judgment passed by Industrial Court appears to be in consonance with law. No interference is called for in the impugned judgment. The writ petition is, accordingly, dismissed. No order as to costs.

(Anil L. Pansare, J.)

Kahale