

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 4528/2026

Pappu Jawa S/o Shri Dau Lal, Aged About 50 Years, R/o Quarter
No. II-7, Jai Narain Vyas University Staff Quarters, Jodhpur.
At Present Holding Post Of Laboratory Attendant.

-----Petitioner

Versus

1. Jai Narain Vyas University Jodhpur, Through Its Registrar.
2. Assistant Registrar, Human Resources Department, Jai
Narain Vyas University, Jodhpur.
3. Finance Comptroller, Jai Narain Vyas University Jodhpur.

-----Respondents

For Petitioner(s) : Mr. Nikhil Dungawat

For Respondent(s) : -

HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA

Order

26/02/2026

1. Heard on interim stay application.
2. Learned counsel appearing for the petitioner submits that the recovery sought to be made on the ground that there is difference in payment of excess amount on the stage of grant of 1st Annual Grade Increment after promotion of the petitioner to the post of Lab Attendant and consequential from fixation of Pay-Band. It is also submitted that the anomaly was not on account of any fraud played by the petitioner and it was mistake on the part of the employer in fixing the Pay-Scale. In the case of **State of Punjab & Ors. vs. Rafiq Masih (White Washer) & Ors.: (2015) 4SCC 334**, the recovery from the Employees belonging from IV Class

was impermissible, if such excess payment was by the mistake on the part of the employer.

3. In view of the aforesaid facts and circumstances of the case, there shall be a stay on the recovery from the petitioner till the final disposal of the present writ petition.

4. It is made clear that any revision of pay-scale, which is under challenge, shall be subject to the final outcome of the present writ petition.

5. It is further made clear that in case the petitioner succeeds in the present writ petition, he is entitled for all the consequential benefits including prevailing interest also.

6. Issue notice to the respondents, returnable in four weeks.

(CHANDRA SHEKHAR SHARMA),J