

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

S.B. Civil Writ Petition No. 5864/2026

Poona Ram S/o Shri Chhoga Ram, Aged About 56 Years, R/o Plot No. 647, Near Galeshwar Mahadev Mandir, Maderna Colony, 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. Nihar Jain

For Respondent(s) : Ms. Adwaita Sharma (Caveator)

HON'BLE MR. JUSTICE SANJEET PUROHIT

Order

23/03/2026

1. Ms. Adwaita Sharma appears on behalf of respondents and submits that a general caveat has been filed on behalf of respondents in such matters.
2. Learned counsel for the petitioner though objects the same, however, Ms. Adwaita Sharma accepts notice on behalf of respondents.
3. Learned counsel for the petitioner submits that in a matter involving similar controversy, the Coordinate Bench of this Court has passed an interim order dated 04.02.2026 in **SB Civil Writ Petition No.2482/2026 : Kishan Singh Vs. JNVU, Jodhpur & Ors.**
4. Heard on interim stay application.
5. 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 Book 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) 4 SCC 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.

6. 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.

7. 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.

8. 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.

9. Learned counsel for the respondents four weeks' time to file reply to the petition.

10. List the matter four weeks.

11. It will be open for the respondents to move appropriate application for vacation/modification of the interim order.

(SANJEET PUROHIT),J