

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

S.B. Civil Writ Petition No. 14508/2026

CNR: RJHC010662312026

URN: CW / 26468U / 2026

Vinod Vaishnav S/o Kanhaiyadas Vaishnav, Aged About 61 Years,
R/o Surmo Ka Chowk, Sutharwada, Dungarpur

----Petitioner

Versus

1. Municipal Council Dungarpur, Through Its Commissioner
2. Commissioner, Municipal Council Dungarpur
3. Direcotr, Directorate Of Pensions And Pensioners Welfare,
Government Or Rajasthan, Jaipur.

----Respondents

For Petitioner(s)	:	Mr. Rajesh Choudhary
For Respondent(s)	:	

HON'BLE DR. JUSTICE NUPUR BHATI

Order

17/07/2026

1. Counsel for the petitioner, while placing reliance upon the judgment rendered by Hon'ble Supreme Court in the case of ***Jogeshwar Sahoo & Ors. v. The District Jude, Cuttack & Ors. : SLP(C) No(s).5918/2024***; reported in **2025 SCC OnLine SC 724**, decided on 04.04.2025, submits that it has been held by the Hon'ble Apex Court that recovery from the employees belonging to Class III and Class IV as well as recovery from retired employees, shall not be effective even if the employer has made the payments in excess of their entitlements. He submits that the petitioner superannuated on 30.04.2025 on the post of Upper Division Clerk (UDC)/Senior Assistant, which is a Class III

post, however, the respondents, after the retirement, are repeatedly issuing notice to the petitioner; indicating therein that the respondents have made excess payment to the petitioner towards gratuity and have directed petitioner to refund the excess amount.

2. The matter requires consideration.
3. Issue notice of the writ petition along with the stay application to the respondents, returnable within a period of four weeks.
4. In the meanwhile and until next date, respondents are restrained from effecting recovery against the petitioner, pursuant to the Notices dated 18.06.2026 (Annex.P/6), 12.06.2026 (Annex.P/5) and 15.05.2026 (Annex.P/3).
5. Connect with S.B. Civil Writ Petition No.14391/2026.

(DR. NUPUR BHATI),J