

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 101 OF 2013

THE STATE OF MAHARASHTRA & ORS. .. Appellant (s)

Versus

SUDHAKAR SHANKAR SHINDE .. Respondent(s)

WITH

CIVIL APPEAL NO. 103 OF 2013

O R D E R

The respondents worked as Binder Boys and retired from service in 2005/2006. In the year 2006, certain amounts were recovered from their pensionary dues on the ground that the Pay Verification Unit had taken objection to the pay fixation done in the year 1986. The Maharashtra Administrative Tribunal allowed the applications filed by the Respondents on the ground that the amount paid to the respondents on the basis of a fixation done in the year 1986 should not have been recovered 20 years thereafter.

Learned counsel appearing the respondent in Civil Appeal No.101 of 2013 submits that the amount which was sought to be recovered has been deducted from the pensionary dues of the Respondents. The appellants should not have recovered the amounts which were paid

due to a wrong pay fixation in 1986, 20 years thereafter. This Court in *State of Punjab & Ors. vs Rafiq Masih (White Washer)* reported in (2015) 4 SCC 334 held that the payment made to retired employees on the basis of a wrong fixation cannot be recovered unless it is found that the payment was made on the basis of fraud or misrepresentation at the behest of the employee. The amount sought to be recovered is about Rs.30,000/- and Rs.47,000/-.

In the facts and circumstances of these cases, we are not inclined to interfere with the judgment(s) of the High Court. The appeals are dismissed. The amounts that were deducted from the pensionary benefits of the Respondents shall be refunded within eight weeks from today.

Pending application(s), if any, shall also stand disposed of.

.....J.  
( L. NAGESWARA RAO )

.....J.  
( DEEPAK GUPTA )

New Delhi,  
Dated: March 03, 2020

ITEM NO.107

COURT NO.11

SECTION III

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 101/2013

THE STATE OF MAHARASHTRA &amp; ORS.

Appellant(s)

VERSUS

SUDHAKAR SHANKAR SHINDE

Respondent(s)

WITH

C.A. No. 103/2013 (III)

Date : 03-03-2020 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO  
HON'BLE MR. JUSTICE DEEPAK GUPTAFor Appellant(s) Mr. Chinmoy Khaladkar, Adv.  
Mr. Sachin Patil, AOR  
Mr. Nishant Ramakantrao Katneshwarkar, AORFor Respondent(s) Vaisal Dathan, Adv.  
Ms. Nidhi, AORUPON hearing the counsel the Court made the following  
O R D E RThe appeals are dismissed in terms of the Signed  
Order.Pending application(s), if any, shall also stand  
disposed of.(GEETA AHUJA)  
COURT MASTER (SH)(ANAND PRAKASH)  
BRANCH OFFICER

(The Signed Order is placed on the file)