

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

**COMMON ORDER IN ORIGINAL APPLICATION NOS. 476, 477,
478 & 485 ALL OF 2017**

(Subject – Recovery)

1. ORIGINAL APPLICATION NO. 476 OF 2017

DISTRICT : OSMANABAD

Shri Balasaheb S/o Maruti Ghadge,)
Age : 47 years, Occu. : Service,)
R/o : Jijau Niwas, D.I.C. Road,)
Manik Chowk, Osmanabad,)
Tq. and Dist. : Osmanabad.) .. **APPLICANT**

V E R S U S

- 1) **The State of Maharashtra,**)
Through the Secretary,)
Health Department,)
Mantralaya, Mumbai - 32.)
- 2) **Director, Health Services,**)
Mumbai, Arogya Bhavan,)
Mumbai.)
- 3) **Civil Surgeon, Civil Hospital,**)
Osmanabad, District Osmanabad.).. **RESPONDENTS**

W I T H

2. ORIGINAL APPLICATION NO. 477 OF 2017

DISTRICT : OSMANABAD

Shri Ayub S/o Latif Shaikh,)
Age : 50 years, Occu. : Service,)
R/o : Sanja Road, Usmanpura,)
Osmanabad, Tq. and Dist. : Osmanabad.) .. **APPLICANT**

V E R S U S

- 1) **The State of Maharashtra,**)
Through the Secretary,)
Health Department,)
Mantralaya, Mumbai - 32.)

- 2) **Director, Health Services,**)
Mumbai, Arogya Bhavan,)
Mumbai.)
- 3) **Civil Surgeon, Civil Hospital,**)
Osmanabad, District Osmanabad.) .. **RESPONDENTS**

W I T H

3. ORIGINAL APPLICATION NO. 478 OF 2017

DISTRICT : OSMANABAD

Shri Bhagwant S/o Govindrao Deshmukh,)

Age : 51 years, Occu. : Service,)
R/o : Umbare Kotha, Wasudeo Galli,)
Osmanabad, Tq. and Dist.: Osmanabad.)

.. **APPLICANT**

V E R S U S

- 1) **The State of Maharashtra,**)
Through the Secretary,)
Health Department,)
Mantralaya, Mumbai - 32.)
- 2) **Director, Health Services,**)
Mumbai, Arogya Bhavan,)
Mumbai.)
- 3) **Civil Surgeon, Civil Hospital,**)
Osmanabad, District Osmanabad.).. **RESPONDENTS**

W I T H

4. ORIGINAL APPLICATION NO. 485 OF 2017

DISTRICT : OSMANABAD

Shri Sarang S/o Baliram Shinde,)
Age : 53 years, Occu. : Service,)
R/o : Shankar Nagar, Behind Gandhi)
Nagar, Osmanabad,)
Tq. and Dist. : Osmanabad.)

.. **APPLICANT**

V E R S U S

- 1) **The State of Maharashtra,**)
Through the Secretary,)
Health Department,)
Mantralaya, Mumbai - 32.)
- 2) **Director, Health Services,**)
Mumbai, Arogya Bhavan,)
Mumbai.)
- 3) **Civil Surgeon, Civil Hospital,**)
Osmanabad, District Osmanabad.)
- 4) **Medical Superintendent,**)
Rural Hospital, Washi,)
Tq. Washi, Dist. Osmanabad.)
- .. RESPONDENTS**

APPEARANCE :- Shri S.A. Wakure, learned Advocate for the
applicants in all these cases.

: Shri V.R. Bhumkar, learned Presenting
Officer for the respondents in all these
cases.

CORAM : Hon'ble Shri B.P. Patil, Acting Chairman

DATE : 11th March, 2020

O R A L - O R D E R

1. All the Original Applications have been decided by the common order as the issue involved in all the O.As. is similar and identical.

2. The applicants have challenged the order dated 1.3.2017 issued by the res. no. 3 the Civil Surgeon, Civil Hospital, Osmanabad, thereby directing recovery from them on account of

excess payment made to them due to wrong fixation of pay, by filing the present Original Application.

3. The applicant in O.A. no. 476/2017 Shri Balasaheb s/o Maruti Ghadge was appointed as a Ophthalmic Officer in group C category by the respondent no. 2 by the order dtd. 14.2.1994 in the pay scale of Rs. 1400-40-2300 at Primary Health Centre, Pangaon, Tq. Barshi, Dist. Solapur. In the year 1995 he was transferred to Osmanabad and at present he is working under the respondent no. 3 the Civil Surgeon, Civil Hospital, Osmanabad. The applicant is working on the isolated post. Since his appointment the applicant is performing the duties regularly and efficiently and there are no adverse remarks against him.

4. The applicant in O.A. no. 477/2017 Shri Ayub Latif Shaikh was appointed as a Ophthalmic Officer in group C category by the respondent no. 3 by the order dtd. 25.1.1996 in the pay scale of Rs. 1400-40-2300 at Primary Health Centre, Yermala, Tq. Kallamb, Dist. Osmanabad. At present he is working under the respondent no. 3 the Civil Surgeon, Civil Hospital, Osmanabad. He is working on the isolated post. Since his appointment the applicant is performing the duties regularly and efficiently and there are no adverse remarks against him.

5. The applicant in O.A. no. 478/2017 Shri Bhagwant s/o Govindrao Deshmukh was appointed as a Pharmacy Officer in group C category by the respondent no. 2 by the order dtd. 25.2.1994 in the pay scale of Rs. 1400-40-2300 in Ahmednagar District. In the year 1996 he was transferred to Osmanabad District and at present he is working under the respondent no. 3 the Civil Surgeon, Civil Hospital, Osmanabad. He is also working on the isolated post. Since his appointment the applicant is performing the duties regularly and efficiently and there are no adverse remarks against him.

6. The applicant in O.A. no. 485/2017 Shri Sarang s/o Baliram Shinde was appointed as a Ophthalmic Officer in group C category by the respondent no. 2 by the order dtd. 28.10.1993 in the pay scale of Rs. 1400-40-2300. At present he is working with the respondent no. 4 the Medical Superintendent, Rural Hospital, Washi, Tq. Washi, Dist. Osmanabad under the respondent no. 3 the Civil Surgeon, Civil Hospital, Osmanabad. The applicant is working on the isolated post. Since his appointment the applicant is performing the duties regularly and efficiently and there are no adverse remarks against him.

7. The pay scale of all the applicants in these Original Applications had been revised by the respondents as per the

Government policy from time to time. The applicants were working on the isolated posts and have no opportunity of promotion. Therefore they were given the benefit of grade pay scale like other employees who use to get the promotions on the basis of G.Rs. issued by the Government from time to time. The respondent no. 3 issued the order dtd. 1.3.2017 and directed recovery from the applicants on account of excess payment made to them due to wrong pay fixation and directed to recover the said amount from the salary of the applicants. It is their contention that the impugned orders issued by the respondent no. 3 are illegal, erroneous and against the principles of natural justice. The respondents have not issued the notice to them before passing the impugned orders and no opportunity of hearing was given to them. The impugned orders have been issued in violation of the guidelines issued by the Government in different G.Rs. and therefore it is illegal. It is their contention that such type of recovery is not permissible and the same is in violations of the guidelines given by the Hon'ble Supreme Court in **Civil Appeal No. 11527/2014 arising out of S.L.P. (C) No. 11684/2012 & Ors. (State of Punjab and others etc. Vs. Rafiq Masih (White Washer) etc.)** reported at **AIR 2015 SC 596**. It is their contention that they are serving as a Group-C employee and therefore such

type of recovery is impermissible. Therefore, they prayed to quash the impugned orders by allowing the O.As.

8. Respondents have filed their affidavits in reply and resisted the contentions of the applicants. They have not denied the fact that the applicants are working under Civil Surgeon, Civil Hospital, Osmanabad on the post of Ophthalmic Officer & Pharmacy Officer in class-III cadre. They have not disputed the fact about their appointments and their previous service. They have admitted the fact that the applicants are performing their duties continuously since the date of their initial appointment and therefore their pay has been revised from time to time as per the G.Rs. issued by the Government. They have admitted the fact that the pay scale of the applicants has been revised as per the recommendations of 5th Pay Commission and pay scale of Rs. 4500-125-7000 has been granted to them. They have also admitted the fact that as per the recommendations of the 6th Pay Commission the pay scale of Rs. 5200-20200 with grade pay of Rs. 2800/- has been granted to the applicants as per G.R. dtd. 20.7.2001. They have admitted the fact that the applicants are working on the isolated posts and they had no opportunity of promotions like the other employees who use to get promotions. Therefore the promotional grade pay scales cannot be extended to

those employees like the applicants for not having the promotional post in their respective cadre. The employees who are working on the isolated post like the applicants are entitled to get the benefit of extra applicable Grade Pay of Rs. 300/- along with regular grade pay of Rs. 2800/- in the same cadre. Therefore the applicants are entitled to get Grade Pay of Rs. 3100/- in view of G.R. dtd. 6.9.2014 in the pay scale of Rs. 5200 to 20200. The total Grade Pay of Rs. 3100/- was given to them as they have no promotional opportunity. But due to mistake the Grade Pay of Rs. 4300/- was given to them while fixing their pay as per the 6th Pay Commission and therefore excess payment was made to the applicants. The said mistake has been noticed by the Pay Verification, Aurangabad. Therefore the Pay Verification, Aurangabad raised objection on 19.11.2016. Therefore the respondent no. 3 the Civil Surgeon, Civil Hospital, Osmanabad corrected the said mistake on the basis of the objection raised by the Pay Verification Unit, Aurangabad and re-fixed the pay of the applicants. Due to wrong pay fixation excess payment has been made to the applicants. Therefore the respondent no. 3 passed the order dtd. 1.3.2017 and directed recovery of excess amount from salary of the applicants. It is their contention that there is no illegality in the action taken by the respondent no. 3 and the respondent no. 3 has correctly passed the order dtd. 1.3.2017. At

the time of fixation of pay as per the recommendations of the 6th Pay Commission, the applicants had given an undertaking to repay the excess amount, if any, paid to them and on the basis of the said undertaking the respondents directed the applicants to refund the amount paid to them on account of excess payment. There is no illegality in the impugned orders. Therefore they justified the impugned orders and prayed to dismiss the O.As.

9. I have heard arguments advanced by Shri S.A. Wakure, learned Advocate for the applicants in all the matters and Shri V.R. Bhumkar, learned Presenting Officer for the respondents in all the matters. I have also gone through the documents placed on record.

10. Admittedly the applicant in O.A. no. 476/2017 Shri Balasaheb s/o Maruti Ghadge was appointed as a Ophthalmic Officer in group C category by the respondent no. 3 by the order dtd. 14.2.1994 in the pay scale of Rs. 1400-40-2300 at Primary Health Centre, Pangaon, Tq. Barshi, Dist. Solapur. Admittedly in the year 1995 he was transferred to Osmanabad and since then he is working under the respondent no. 3 the Civil Surgeon, Civil Hospital, Osmanabad.

Admittedly the applicant in O.A. no. 477/2017 Shri Ayub Latif Shaikh was appointed as a Ophthalmic Officer in group C category by the respondent no. 3 by the order dtd. 25.1.1996 in the pay scale of Rs. 1400-40-2300 at Primary Health Centre, Yermala, Tq. Kallamb, Dist. Osmanabad. Since then he is working under the respondent no. 3 the Civil Surgeon, Civil Hospital, Osmanabad.

Admittedly, the applicant in O.A. no. 478/2017 Shri Bhagwant s/o Govindrao Deshmukh was appointed as a Pharmacy Officer in group C category by the respondent no. 2 by the order dtd. 25.2.1994 in the pay scale of Rs. 1400-40-2300 in Ahmednagar District. In the year 1996 he was transferred to Osmanabad District and since then he is working under the respondent no. 3 the Civil Surgeon, Civil Hospital, Osmanabad.

Admittedly the applicant in O.A. no. 485/2017 Shri Sarang s/o Baliram Shinde was initially appointed as a Ophthalmic Officer in group C category by the respondent no. 3 by the order dtd. 28.10.1993 in the pay scale of Rs. 1400-40-2300. At present he is working with the respondent no. 4 the Medical Superintendent, Rural Hospital, Washi, Tq. Washi, Dist. Osmanabad under the respondent no. 3 the Civil Surgeon, Civil Hospital, Osmanabad.

11. Admittedly the pay of the applicants has been revised as per the recommendations of the 5th Pay Commission and 6th Pay Commission on the basis of the G.Rs. issued by the Government from time to time. They are working on the isolated posts and they have no opportunity of promotion in the promotional cadre. As per the 6th Pay Commission the pay scale of Rs. 5200-20200 with Grade Pay of Rs. 2800/- has been given to them as per the G.R. dtd. 20.7.2001. Admittedly the applicants were working on the isolated posts and they had no opportunity of promotions like the other employees who use to get promotion. Therefore the promotional grade pay scales cannot be extended to those employees like the applicants for not having the promotional post in their respective cadre. Admittedly the employees who are working on the isolated posts like the applicants are entitled to get the benefit of extra applicable Grade Pay of Rs. 300/- along with regular grade pay of Rs. 2800/- in the same cadre. Admittedly the applicants were entitled to get total Grade Pay of Rs. 3100/- in view of G.R. dtd. 6.9.2014 in the pay scale of Rs. 5200 to 20200. Admittedly due to mistake the Grade Pay of Rs. 4300/- was given to the applicants while fixing their pay as per the recommendations of 6th Pay Commission. Admittedly the said mistake has been noticed by the Pay Verification Unit,

Aurangabad. Therefore the respondent no. 3 the Civil Surgeon, Civil Hospital, Osmanabad issued the impugned order and re-fixed their pay & directed to recover the excess amount paid to the applicants due to wrong pay fixation made by him.

12. Learned Advocate for the applicants has submitted that the applicants are working as Ophthalmic Officer / Pharmacy Officer, which fall in the Group C category. He has submitted that the post of Ophthalmic Officer and Pharmacy Officer are class-III post and they have no opportunity of promotion. The pay of the applicants has been fixed in view of the recommendations of the 6th Pay Commission in the pay scale of Rs. 5200-20200. He has submitted that the Grade Pay of Rs. 4300/- was wrongly granted to them by the respondent no. 3 though they were not entitled and because of the wrong pay fixation the excess payment was made to the applicants from 1.7.2006 onwards. The applicants have played no role in getting the extra Grade Pay. They never practiced fraud on the respondent no. 3 in getting the excess Grade Pay. Therefore the applicants cannot be blamed for excess payment made to them. He has submitted that because of the mistake committed by the respondent no. 3 the excess payment was made to the applicants. Therefore the said amount cannot be recovered from the salary of the applicants as they are class-III

employees and some of them are on the verge of retirement. The recovery of excess payment made from them is illegal as per guidelines given in the judgment of the Hon'ble Supreme Court in **Civil Appeal No. 11527/2014 arising out of S.L.P. (C) No. 11684/2012 & Ors. (State of Punjab and others etc. Vs. Rafiq Masih (White Washer) etc.)** reported at **AIR 2015 SC 596**. He has submitted that the case of the applicants is covered by the decision of this Tribunal in **O.A. no. 573/2018 (Bhagwan Shamrao Mokale Vs. the State of Maharashtra & Ors.)** with **O.A. no. 719/2018 (Niwruttee s/o Kerba Suradkar Vs. the State of Maharashtra & Ors)** decided on 19.6.2019 as well as the decision of Hon'ble High Court of Judicature at Bombay, Bench at Nagpur in **writ petition No. 3449/2019 (Shri Rajkumar Shamrao Jalit Vs. the State of Maharashtra & Ors.)** decided on 18.2.2020. Therefore, he has prayed to quash the impugned orders by allowing the O.As.

13. Learned Presenting Officer has submitted that the applicants are working on the isolated post of Ophthalmic Officer & Pharmacy Officer and they have no promotional opportunities. In view of the recommendations of the 6th Pay Commission the applicants are entitled to get the pay scale of Rs. 5200-20200 with Grade Pay of Rs. 2800 and additional Grade Pay of Rs. 300/- as

they have no opportunity of promotion. Therefore they are entitled to get total Grade Pay of Rs. 3100/-. But due to mistake the Grade Pay of Rs. 4300/- was granted to them while fixing their pay scale as per the 6th Pay Commission and consequently excess amount was paid to them. The said mistake has been noticed by the respondent no. 3 when the Pay Verification Unit, Aurangabad raised objection in that regard and therefore the respondent no. 3 revised the pay of the applicants and directed recovery of excess payment from the applicants by issuing the impugned orders. He has submitted that there is no illegality in the impugned orders. Therefore he justified the impugned orders and prayed to dismiss the O.As.

14. Learned Presenting Officer has further submitted that at the time of fixation of pay of the applicants as per the recommendations of the 6th Pay Commission in the year 2010 the applicants had given an undertaking to the respondent no. 3 and undertook to repay the excess payment, if any, made to them due to wrong pay fixation. He has submitted that on the basis of the said undertaking the pay of the applicants has been revised. On the basis of the said undertaking given by the applicants the respondent no. 3 is empowered to recover the excess payment made to the applicants and accordingly the respondent no. 3

issued the impugned orders and directed the recovery from the applicants. There is no illegality in the said orders. He has submitted that the Hon'ble Supreme Court has also held that the recovery on the basis of the undertaking given by the Government employee is permissible and therefore he has placed reliance on the judgment of Hon'ble Supreme Court in case of **High Court of Punjab and Haryana and Others Vs. Jagdev Singh** reported in **2016 AIR (SCW) 3523**. He has submitted that the Hon'ble High Court of Judicature at Bombay, Bench at Nagpur has also considered the said issue in **writ petition No. 4919/2018 (State of Maharashtra & Ors. Vs. Sureshchandra s/o Dharmchand Jain & Ors.)** decided on 23.7.2019 and held that the recovery of excess payment made to the Government employee can be recovered from him on the basis of the undertaking given by him.

15. The learned Presenting Officer has also placed reliance on the judgment of the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad in **writ petition no. 6191/2016 (Dr. Ravindra s/o Shamrao Darunte Vs. the State of Maharashtra & Ors.)** decided on 10.3.2017. He has further submitted that in view of the above said settled legal position the action taken by the respondent no. 3 is legal and correct. Therefore he justified the impugned orders and prayed to dismiss the present O.As.

16. On perusal of record it reveals that the applicants were initially appointed on Group-C post i.e. on the post of Ophthalmic Officer / Pharmacy Officer. The posts of Ophthalmic Officer & Pharmacy Officer are isolated posts and the applicants have no opportunity of promotion. The pay of the applicants had been fixed in the pay scale of Rs. 4500-125-7000 as per the recommendations of 5th Pay Commission. Thereafter as per the recommendations of the 6th Pay Commission the pay scale of Rs. 5200-20200 with Grade Pay of Rs. 2800/- has been granted to the applicants as per G.R. dtd. 20.7.2001. Admittedly, additional Grade Pay of Rs. 300/- was permissible to the applicants as they were working on the isolated posts. Therefore the applicants were entitled to get total Grade Pay of Rs. 3100/- (i.e. regular G.P. Rs. 2800/- + additional G.P. Rs. 300/-) as per the recommendations of the 6th Pay Commission. Due to mistake committed by the respondent no. 3 the Grade Pay of Rs. 4300/- was granted to the applicants from 2006 onwards and therefore excess payment was made to the applicants. The said mistake has been noticed by the Pay Verification Unit, Aurangabad and therefore the Pay Verification Unit had raised objection in that regard. On the basis of the objection of the Pay Verification Unit, Aurangabad the respondent no. 3 passed the impugned order dtd. 1.3.2017 and

revised the pay of the applicants and directed recovery from them on account of overpayment made to them due to wrong pay fixation.

17. On perusal of record it reveals that as per the G.R. dated 20.7.2001 the applicants were entitled to get Grade Pay of Rs. 2800/- and additional Grade Pay of Rs. 300/- i.e. total Grade Pay of Rs. 3100/- in the pay scale of Rs. 5200-20200 as per the recommendations of the 6th Pay Commission. But the pay of the applicants had been wrongly fixed and Grade Pay of Rs. 4300/- was given to them incorrectly. Before granting the said pay scale and Grade Pay the applicants had given the undertakings in view of the G.R. dtd. 31.8.2009 in the year 2010 and undertook to repay the excess payment, if any, made to them due to wrong pay fixation. The said undertaking runs as follows :-

*“जोडपत्र - दोन
(पहा परिच्छेद १५.६)
Annexure – II
(See para 15.6)*

मी, असे वचन देतो की, चुकीच्या वेतननिश्चितीमुळे किंवा पुढे वेतननिश्चितीमध्ये विसंगती आढळून आल्यास मला अतिप्रदान झाल्याचे निदर्शनास आल्यास ते भविष्यात मला प्रदान करण्यात येणा-या रकमेतून समायोजित किंवा इतर प्रकारे मी शासनास परत करीन.”

“I hereby undertake that any excess payment that may be found to have been made as a result of incorrect fixation of pay or any excess payment detected in the light of discrepancies noticed subsequently will be refunded by me to the Government either by adjustment against future payments due to me or otherwise.

Date -----

Signature -----

Name -----

Designation -----”

In view of the said undertakings the applicants are bound to repay the excess payment made to them due to wrong pay fixation. The recovery has been directed on the basis of the undertaking given by the applicants. Therefore, I do not find any illegality in the same in view of the principles laid down by the Hon’ble Supreme Court in case of **High Court of Punjab and Haryana and Others Vs. Jagdev Singh** reported in **2016 AIR (SCW) 3523**. Not only this, but the Hon’ble High Court of Judicature at Bombay, Bench at Nagpur has also considered the similar issue involved in these matters in case of **State of Maharashtra & Ors. Vs. Sureshchandra s/o Dharamchand Jain & Ors. (writ petition no. 4919/2018)** decided on 23.7.2019 (supra). Hon’ble High Court considered the principles laid down by the Hon’ble Supreme Court in case of **State of Punjab and**

others etc. Vs. Rafiq Masih (White Washer) etc. reported at **AIR 2015 SC 596** (supra). It has also considered the judgments of the Hon'ble Supreme Court in case of **High Court of Punjab and Haryana and Others Vs. Jagdev Singh** reported in **2016 AIR (SCW) 3523**, wherein it is observed as follows :-

“The principle enunciated in proposition (ii) above cannot apply to a situation such as in the present case. In the present case, the officer to whom the payment was made in the first instance was clearly placed on notice that any payment found to have been made in excess would be required to be refunded. The officer furnished an undertaking while opting for the revised pay scale. He is bound by the undertaking.”

18. After considering both the judgments Hon'ble High Court has observed as follows :-

“4. The argument submitted in defence is fallacious. An undertaking has the effect of solemnity in law and if argument is to be accepted which has been submitted on behalf of the respondents, the majesty of law would be lowered and there would be a travesty of justice. Besides, the undertaking is about wrong pay fixation and consequent excess payment. The undertaking is not about grant of higher pay on the basis of right pay fixation. Had it been an undertaking as regards the later dimension of the case, one could have perhaps said that the undertaking was only a formality. When the undertaking takes into account the contingency of the wrongful pay fixation, the undertaking has to be said to have been given intentionally and with a view to be acted upon, in case the contingency did really arrive.”

In the said decision the Hon'ble High Court has held that the recovery made from the Government servant is legal.

19. Similar issue was also decided by the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad in **writ petition no. 6191/2016 (Dr. Ravindra s/o Shamrao Darunte Vs. the State of Maharashtra & Ors.)** decided on 10.3.2017 wherein Hon'ble High Court has also considered the above cited judgments of Hon'ble Supreme Court and Hon'ble High Court and held that the recovery of excess payment made to the Government employee can be made.

20. I have no dispute regarding the above said settled legal principles laid down by the Hon'ble Supreme Court and Hon'ble High Court. The said principles are most appropriately applicable in the present cases. The respondent no. 3 has rightly directed recovery from the applicants on account of excess payment made to them due to wrong pay fixation on the basis of undertaking given by them and there is no illegality in it.

21. I have gone through the various decisions cited by the learned Advocate for the applicants. I have no dispute regarding the settled principles laid down therein. The said decisions referred by the learned Advocate for the applicants are not attracted in the present cases considering the facts in the present cases. In the above cited decisions relied on by the learned Advocate for the applicants those applicants had not given any

undertaking and therefore it was directed to refund the amount of excess payment made to them. In the present cases the applicants have given the undertakings and therefore they are bound by the said undertakings. Hence the recovery made from them cannot be said to be illegal. Therefore the said decisions are not much useful to the applicant in the present case. The respondent no. 3 has corrected the pay scale of the applicants on the basis of objection raised by the Pay Verification Unit, Aurangabad and directed recovery from the applicants regarding overpayment made to them. Therefore, there is no illegality in the impugned orders. Therefore, the applicants are not entitled to get benefit of the principles laid down in the judgment of Hon'ble Supreme Court in **Civil Appeal No. 11527/2014 arising out of S.L.P. (C) No. 11684/2012 & Ors. (State of Punjab and others etc. Vs. Rafiq Masih (White Washer) etc.)** reported at **AIR 2015 SC 596.**

22. In view of above facts, in my view, the respondent no. 3 has rightly directed recovery of excess payment made to the applicants and there is no illegality therein. Therefore, in my view, no interference is called for in the impugned orders. There is no merit in the O.As. Consequently the same deserve to be dismissed.

23. In view of the discussion in foregoing paragraphs, the present Original Application nos. 476, 477, 478 & 485 all of 2017 stand dismissed. There shall be no order as to costs.

(B.P. PATIL)
ACTING CHAIRMAN

Place : Aurangabad

Date : 11th March, 2020

ARJ-O.A.NOS. 476, 477, 478 AND 485 ALL OF 2017 BPP (RECOVERY)