



2026:AHC-LKO:21262

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 5596 of 2023

Rajit Ram Yadav And Another

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Of Higher
Education And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Ajay Madhavan, Piyush Agnihotri,
Shiva Shashank
Counsel for Respondent(s) : C.S.C., Raj Priya Srivastava, Sanjay
Kumar Srivastava

Court No. - 21

HON'BLE MANJIVE SHUKLA, J.

1. Heard Shri Ajay Madhavan, learned counsel for the petitioners and learned Additional Chief Standing Counsel for the State.
2. The captioned writ petition has been filed by the petitioners inter alia praying therein for the following relief(s):

"i. A writ or order in nature of Certiorari quashing, the impugned orders dated 15.07.2023 contained as Annexure Nos.1 & 2 and also quash the order dated 24.05.2023 contained as Annexure No.3 in the writ petition, in the interest of justice.

ii. A writ of Mandamus may also be issued commanding the respondents to refund the amount as deducted from the salaries of both petitioners from months May 2023 & June 2023 and further keep on paying the monthly salaries without any deductions, in the interest of justice.

3. It has been contended on behalf of the petitioners that their pay fixation has been changed and consequently direction has been issued for making recovery of excess payment paid to the petitioners in lieu of wrong pay fixation.
4. Learned counsel appearing for the petitioners has argued that from bare perusal of the impugned order dated 24.05.2023, it is apparent

that neither there is any fraud or misrepresentation attributable to the petitioners nor they have any role, which can be attributed to the petitioners, in respect of incorrect pay fixation. It has further been argued that in view of the judgment rendered by the Hon'ble Supreme Court in the case of **State of Punjab & Others vs. Rafiq Masih (White Washer) and others**, reported in **(2015) 4 SCC 334** recovery of excess payment made to the petitioners, in lieu of wrong fixation of pay, cannot be effected as petitioners are class-III employees.

5. Learned counsel for the petitioners, after arguing at some length, has submitted that the petitioners are not pressing for any relief regarding correction of the pay fixation done by the respondents but he is only praying that no recovery be made pursuant to the new pay fixation made by the respondents.

6. Learned Additional Chief Standing Counsel appearing for the State though has tried to defend the orders impugned in this writ petition but could not point out any role of the petitioners in respect of their incorrect pay fixation which has now been revised.

7. I have considered the arguments advanced by learned counsels appearing for the parties and I find that neither any fraud has been attributed to the petitioners nor any role is assigned to them in their pay fixation. Therefore, if due to incorrect pay fixation, the petitioners have been paid any amount for which they were not entitled, that cannot be recovered from them in view of the law laid down by the Hon'ble Supreme Court vide its judgment rendered in the case of **Rafiq Masih (supra)**.

8. Learned counsel for the petitioners has not pressed the prayer for quashing of the refixation of the pay of the petitioners made by the respondents, therefore, this Court is not proceeding to adjudicate the said issue.

9. In view of the aforesaid reasons, this writ petition is **partly allowed** and the orders dated 24.05.2023 and 15.07.2023 to the extent of recovery of excess payment made to the petitioners pursuant to wrong pay fixation, are quashed. It is also directed that if any amount had already been recovered, same shall be refunded to the petitioners forthwith.

10. It shall remain open to the respondents to pay salary to the petitioners as per revised pay fixation.

March 24, 2026
akhilesh/-

(Manjive Shukla,J.)