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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 10602/2019 & CM.APPL 43831/2019(stay)

SANTOSH GOYAL AND ORS.

..... Petitioners

Through Mr. Deepak Anand, Mr. Saman Pal Singh
and Mr. Sandeep Ranjan, Advocates

versus

CONTROLLER GENERAL OF DEFENCE ACCOUNTS (CGDA) AND
ORS.

..... Respondents

Through Mr. R.V. Sinha and Mr. Amit Sinha,
Advocates

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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30.09.2019

The present petition has been filed by the petitioners being aggrieved by the order dated 07.08.2019 passed by the Central Administrative Tribunal (the 'Tribunal').

Learned counsel for the petitioners submits that on 04.09.2017, the Supreme Court of India in the case of *Madhu Soodan Pasi & Ors. v. Union of India & Ors.*, Civil Appeal no.1441/2019 arising out of an SLP(C).24111/2017, had stayed recovery of amounts paid to the applicant in that matter till the next date of hearing. He has also drawn the attention of the Court to the order dated 27.04.2018 passed by the Tribunal in the O.A. wherein pendency of the matter before the Supreme Court of India has been taken note of. The learned counsel submits that accordingly identical matters were pending before the Supreme Court of India. He has handed-over in Court an order dated 04.02.2019 passed by the Supreme Court of India in Civil Appeal, which we reproduce below:



“Leave granted.

As the recovery was ordered in the year 2014 for the payment that was made during the period 1986-1993, and the appellants could not be said to be responsible for the payment made.

Consequently, in the peculiar facts and circumstances of the case, we set aside the recovery part. Accordingly, the appeal is allowed.”

The learned counsel for the petitioners submits that although a copy of the order dated 04.02.2019 passed by the Supreme Court of India was brought to the notice of the Tribunal and a copy whereof was handed over to the Tribunal, however the Tribunal has failed to take note of the same. This fact has been stated on affidavit.

Learned counsel for the petitioners submits that the order passed by the Supreme Court of India would apply to the present case.

Notice to show cause as to why the petition be not admitted. Notice in the stay application as well.

Mr. Sinha, learned counsel for the respondents accepts notice.

List on 17.03.2020.

Till the next date of hearing, no recovery shall be made against the petitioners.

Dasti.

G.S.SISTANI, J

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 30, 2019

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W.P.(C) 10602/2019

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