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

+ **W.P.(C) 15737/2025**

UNION OF INDIA AND ORSPetitioners

Through: Mr.Kshitij Chhabra, SPC.

versus

MAMAN RAMRespondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

% **14.10.2025**

CM APPL. 64415/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 15737/2025 & CM APPL. 64414/2025

2. This petition has been filed, challenging the Order dated 28.05.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal'), in O.A. No. 576/2024, titled ***Maman Ram v. Union of India & Ors.***, allowing the O.A. filed by the respondent herein with the following direction:

"16. In view of these decisions, the impugned orders are liable to be quashed and set aside. Accordingly, the same are quashed and set aside. The recovery made at the time of retirement shall be refunded to the applicant, and his pay shall be restored. The respondents are directed to release the retiral dues and arrears thereafter. The necessary orders shall be issued, and the exercise shall be completed within three months from the date of receipt of a certified copy of this Order."

3. The learned counsel for the petitioners submits that the respondent was erroneously given a Grade Pay of Rs.5,400/- as the



third MACP benefit, while he was entitled only to the Grade Pay of Rs.4,800/- with effect from July 2016. This anomaly being noticed, not only his pay was refixed, but also a recovery of Rs.7,79,247/- was made from the respondent by withholding his gratuity. He submits that while applying the principles of the Judgment of the Supreme Court in ***State of Punjab & Ors. v. Rafiq Masih (White Washer) & Ors.***, (2015) 4 SCC 334, there may be an arguable case for the recovered amount to be returned to the respondent, however, the learned Tribunal has erred in directing re-fixation of the respondent's pay again to the Grade Pay of Rs.5,400/-.

4. Issue notice to the respondent, to be served through all permissible modes, returnable on 15th January, 2026.

5. Counter affidavit be filed within a period of two weeks of receipt of the notice. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

6. We make it clear that while the petitioners shall refund the amount recovered from the respondent in terms of the Impugned Order passed by the learned Tribunal, the re-fixation of pay done by the petitioners in compliance with the Impugned Order and any excess payment thereafter, shall be subject to the outcome of the present petition and, in case the petitioners succeed, the same would have to be returned by the respondent to the petitioners.

NAVIN CHAWLA, J

MADHU JAIN, J

OCTOBER 14, 2025/rv/ik