

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.53 of 2025

Sri Sadhan Chandra Dalal,
S/o: Late Harekrishna Dalal,
Village-Vidyasagar Road,
Near KBI Boarding, P.O. + P.S.-R.K. Pur,
Gomati Tripura, PIN-799120, Age-61.

.....Petitioner(s)

Versus

1. The State of Tripura, to be represented by the Secretary,
Department of PWD, Government of Tripura, P.O. New Secretariat
Complex, New Capital Complex, Agartala, PIN 799006.

2. The Chief Engineer, Public Works Department (Water
Resource), Govt. of Tripura, West Tripura, Agartala, PIN 799001.

3. The Executive Engineer, Water Resource Division No.III,
Udaipur, Govt. of Tripura, Udaipur, Gomati District, PIN 799120.

4. The Accountant General (A&E), Tripura, Agartala, P.O.-
Kunjaban, West Tripura, PIN-799006.

6. The Senior Accounts Officer, O/o the Principal Accountant
General (A&E), Agartala, West Tripura, PIN-799001.

----Respondent(s)

For Petitioner(s)	:	Mr. Samarjit Bhattacharjee, Adv.
For Respondent(s)	:	Mr. Saktimoy Chakraborty, Adv. General Mr. Pradyumna Gautam, Sr. GA Mr. Debalay Bhattacharya, Sr. Adv. Ms. Rashmi Bhattacharjee, Adv.
Date of hearing	:	15.09.2025
Date of delivery of Judgment & Order	:	26.09.2025
Whether fit for reporting	:	YES

HON'BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order

The present writ petition is filed by the petitioner
seeking the following reliefs:

**"i) Issue Rule upon the Respondents to show cause
as to why a writ in the nature of Mandamus and/or
order/orders and/or direction/directions of like**

nature shall not be issued whereby directing the Respondents to release Rs.2,50,000/-, the rest amount of gratuity with interest @ Rs.9% per annum from the date of due till the date of actual payment is made.

ii) Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby directing the Respondents to issue modified PPO considering the last basic pay on the date of retirement @Rs.66,400/- instead of Rs.64,500/- and release arrear pensions with interest @9% thereon.

iii) Issue rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby quashing & cancelling the Letter No.Pen-2/PR.No.-112/2024-25/16608, dated, 04.09.2024, issued by the Senior Accounts Officer, O/o the AG (A&E), Tripura.

iv) Make the rules absolute.

v) Call for the records."

2. Heard Learned Counsel, Mr. Samarjit Bhattacharjee appearing on behalf of the petitioner. Also heard Learned Advocate General, Mr. Satkimoy Chakraborty assisted by Learned Sr. GA, Mr. Pradyumna Gautam appearing on behalf of the respondents-State and Learned Senior Counsel, Mr. Debalay Bhattacharya assisted by Learned Counsel, Ms. Rashmi Bhattacharjee appearing on behalf of the respondent Nos.4 and 5.

3. At the time of hearing, Learned Counsel for the petitioner submitted that the petitioner was a Group-C employee under the Government of Tripura and he has retired from service on superannuation on 30.06.2024. The petitioner joined in the service on 19.05.1986 in the post of Tracer under the respondent Nos.1 to 3 in the pay scale of Rs.430-850/-. During his service period, in terms of ROP Rules, the petitioner was provided with 3(three) CAS benefits, first after 10 years, second after 17 years and third after 25 years of service on 19.05.1986, 19.05.2003 & 19.05.2011,

respectively and accordingly, the fixation of the pay scale of the petitioner was done. At the time of retirement from service on superannuation, the last basic pay of the petitioner was Rs.66,400/- which was duly recorded in his Service Book. But, all on a sudden, after retirement of the petitioner, without any show-cause notice, by an impugned letter dated, 04.09.2024 issued by the Senior Accounts Officer, O/o the Principal Accountant General (A&E), Agartala, Tripura, his basic pay was reduced to Rs.64,500/- and by the said letter it was informed that 1/4th of amount of gratuity, i.e., Rs. 2,50,000/- has been kept withheld by the respondent No.4 which will be released after receipt of reply from the concerned authority. Against the said letter dated 04.09.2024, the petitioner submitted representation on 25.11.2024, but no response was given till date. Hence, the petitioner has filed the present writ petition seeking the reliefs as stated above.

4. The State-respondents did not deny the claim of the petitioner but only asserted that the Office of AG scrutinized and observed that there was an error in fixation of the basic pay of CAS-I. Thus, the O/o the AG vide letter dated 04.09.2024, instructed respondent No.3 to re-fix the final basic pay which should be Rs.64,500/-. Accordingly, the office of the respondents re-fixed the last basic pay of the petitioner and forwarded the same to the office of AG vide letter dated 27.01.2025 for regularization of his pension and finally, the O/o the AG communicated the sanction of his pension. It was further asserted that the basic pay of CAS-I as per

ROP, 1999 should be Rs.4100/- instead of Rs.4220/- which was recorded w.e.f. 01.01.1996.

5. The respondent Nos.4 and 5 also filed their counter affidavit but, the said respondents took the plea that at the time of checking of the pay regulation from the Service Book as per rules and regulations of the Finance Department it was detected that the fixation of pay was incorrect w.e.f. 01.05.1996. The pay was fixed at Rs.4100/- instead of Rs.4220/- in the scale of Rs.4,000/- to Rs.7890/- and accordingly, the same was communicated to the concerned Department for re-examination of the matter. It was further submitted that the O/o the AG is the authorizing authority for pensionary benefits only.

6. However, at the time of hearing, Learned Counsel for the petitioner drawn the attention of this Court that without affording any opportunity to the petitioner his basic pay was reduced to Rs.66,400/- as per communication dated 04.09.2024 issued by Senior Accounts Officer, O/o the Principal AG (A & E) (*Annexure-9 to the writ petition*). In support of his contention, Learned Counsel for the petitioner relied upon one citation of the Hon'ble Supreme Court of India in **State of Punjab & Ors. vs. Rafiq Masih (White Washer) & Ors.**, reported in **(2015) 4 SCC 334** wherein in para Nos.17 and 18, Hon'ble the Apex Court observed as under:

"17. Last of all, reference may be made to the decision in *Sahib Ram v. Union of India* [(1995) Supp (1) SCC 18] wherein it was concluded as under: (SCC pp. 19-20, paras 4-5)

"4. Mr Prem Malhotra, learned counsel for the appellant, contended that the previous scale of Rs 220-550 to which the appellant was entitled became Rs 700-1600 since the appellant had been granted that scale of pay in relaxation of the educational qualification. The High Court was, therefore, not right in dismissing the writ petition. We do not find any force in this contention. *It is seen that the Government in consultation with the University Grants Commission had revised the pay scale of a Librarian working in the colleges to Rs 700-1600 but they insisted upon the minimum educational qualification of first or second class MA, MSc, MCom plus a first or second class BLib Science or a Diploma in Library Science. The relaxation given was only as regards obtaining first or second class in the prescribed educational qualification but not relaxation in the educational qualification itself.*

5. Admittedly the appellant does not possess the required educational qualifications. Under the circumstances the appellant would not be entitled to the relaxation. The Principal erred in granting him the relaxation. Since the date of relaxation the appellant had been paid his salary on the revised scale. However, it is not on account of any misrepresentation made by the appellant that the benefit of the higher pay scale was given to him but by wrong construction made by the Principal for which the appellant cannot be held to be at fault. Under the circumstances the amount paid till date may not be recovered from the appellant. The principle of equal pay for equal work would not apply to the scales prescribed by the University Grants Commission. The appeal is allowed partly without any order as to costs." (emphasis supplied)

It would be pertinent to mention, that Librarians were equated with Lecturers, for the grant of the pay scale of Rs 700-1600. The above pay parity would extend to Librarians, subject to the condition that they possessed the prescribed minimum educational qualification (first or second class MA, MSc, MCom plus a first or second class BLib Science or a diploma in Library Science, the degree of MLib Science being a preferential qualification). For those Librarians appointed prior to 3-12-1972, the educational qualifications were relaxed. In Sahib Ram case [(1995) Supp (1) SCC 18], a mistake was committed by wrongly extending to the appellants the revised pay scale, by relaxing the prescribed educational qualifications, even though the appellants concerned were ineligible for the same. The appellants concerned were held not eligible for the higher scale, by applying the principle of "equal pay for equal work". This Court, in the above circumstances, did not allow the recovery of the excess payment. This was apparently done because this Court felt that the employees were entitled to wages, for the post against which they had discharged their duties. In the above view of the matter, we are of the opinion, that it would be iniquitous and arbitrary for an employer to require an employee to refund the wages of a higher post, against which he had wrongfully been permitted to work, though he should have rightfully been required to work against an inferior post.

18. It is not possible to postulate all situations of hardship which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to hereinabove, we may, as a ready reference, summarise the following few situations, wherein recoveries by the employers, would be impermissible in law:

(i) Recovery from the employees belonging to Class III and Class IV service (or Group C and Group D service).

(ii) Recovery from the retired employees, or the employees who are due to retire within one year, of the order of recovery.

(iii) Recovery from the employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.

(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.

(v) In any other case, where the court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover."

Referring the same, Learned Counsel for the petitioner submitted that in view of the principle of law laid down by the Hon'ble Apex Court in the aforementioned case, there is no scope to withhold the amount of gratuity by the respondents.

6.1. Learned Counsel further referred another citation of the Hon'ble Apex Court in **Thomas Daniel vs. State of Kerala & Ors**, reported in **AIR 2022 SC 2153**, wherein in para Nos.2, 3, 9, 13 and 14, Hon'ble the Apex Court observed as under:

"2. The brief facts of the case, in nutshell, are as under:

In the year 1966, the appellant herein joined services as a High School Assistant/Teacher at Craven High School, Kollam which is an aided school. During his tenure, he availed leave without allowance starting from 20.10.1972 to 31.03.1973 and again from 02.07.1973 to 28.03.1974, for pursuing post-graduation i.e., M.Sc. (Chemistry) Course. Thereafter on 1.06.1989, the appellant was promoted as Headmaster of the school and he was granted senior grade promotion and his pay scale was revised accordingly.

3. In the year 1997, a notice dated 09.10.1997 accompanied with an audit report of the respondent no. 5-Account General of Kerala was served on the appellant by the respondent no. 4-District Educational Officer, Kollam with an objection that the period of leave obtained by the appellant for undergoing higher education should not be included while determining his total qualifying service. Therefore, the pay and subsequent increments granted to the appellant should be recovered from him. Meanwhile, the appellant had retired from service on 31.03.1999 and since then he was neither paid pensionary benefits nor death-cum-retirement gratuity (D.C.R.G.). The appellant filed various representations but he received no response.

9. This Court in a catena of decisions has consistently held that if the excess amount was not paid on account of any misrepresentation or fraud of the employee or if such excess payment was made by the employer by applying a wrong principle for calculating the pay/allowance or on the basis of a particular interpretation of rule/order which is subsequently found to be erroneous, such excess payment of emoluments or allowances are not recoverable. This relief against the recovery is granted not because of any right of the employees but in equity, exercising judicial discretion to provide relief to the employees from the hardship that will be caused if the recovery is ordered. This Court has further held that if in a given case, it is proved that an employee had knowledge that the payment received was in excess of what was due or wrongly paid, or in cases where error is detected or corrected within a short time of wrong payment, the matter being in the realm of judicial discretion, the courts may on the facts and circumstances of any particular case order for recovery of amount paid in excess.

13. In *State of Punjab v. Rafiq Masih (White Washer)*, (2015) 4 SCC 334 wherein this court examined the validity of an order passed by the State to recover the monetary gains wrongly extended to the beneficiary employees in excess of their entitlements without any fault or misrepresentation at the behest of the recipient. This Court considered situations of hardship caused to an employee, if recovery is directed to reimburse the employer and disallowed the same, exempting the beneficiary employees from such recovery. It was held thus:

“8. As between two parties, if a determination is rendered in favour of the party, which is the weaker of the two, without any serious detriment to the other (which is truly a welfare State), the issue resolved would be in consonance with the concept of justice, which is assured to the citizens of India, even in the Preamble of the Constitution of India. The right to recover being pursued by the employer, will have to be compared, with the effect of the recovery on the employee concerned. If the effect of the recovery from the employee concerned would be, more unfair, more wrongful, more improper, and more unwarranted, than the corresponding right of the employer to recover the amount, then it would be iniquitous and arbitrary, to effect the recovery. In such a situation, the employee's right would outbalance, and therefore eclipse, the right of the employer to recover.

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18. It is not possible to postulate all situations of hardship which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to hereinabove, we may, as a ready reference, summarise the following few situations, wherein recoveries by the employers, would be impermissible in law:

(i) Recovery from the employees belonging to Class III and Class IV service (or Group C and Group D service).

(ii) Recovery from the retired employees, or the employees who are due to retire within one year, of the order of recovery.

(iii) Recovery from the employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.

(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.

(v) In any other case, where the court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover.

14. Coming to the facts of the present case, it is not contended before us that on account of the misrepresentation or fraud played by the appellant, the excess amounts have been paid. The appellant has retired on 31.03.1999. In fact, the case of the respondents is that excess payment was made due to a mistake in interpreting Kerala Service Rules which was subsequently pointed out by the Accountant General."

Referring the same, Learned Counsel submitted that in view of the observation made by Hon'ble the Apex Court, there is no scope to withhold the amount of gratuity by reducing the basic pay of the petitioner from Rs.66,400/- to Rs.64,500/-. Learned Counsel further referred another judgment of the Hon'ble Supreme Court of India in **Jogeswar Sahoo & Ors. vs. The District Judge, Cuttack & Ors.**, reported in **2025 SCC OnLine SC 724** wherein in para Nos.7, 8 and 11, Hon'ble the Apex Court observed as under:

"7. The issue falling for our consideration is not about the legality of the retrospective promotion and the financial benefit granted to the appellants on 10.05.2017. The issue for consideration is whether recovery of the amount extended to the appellants while they were in service is justified after their retirement and that too without affording any opportunity of hearing.

8. The law in this regard has been settled by this Court in catena of judgments rendered time and again; *Sahib Ram v. State of Haryana* [(1995) Supp (1) SCC 18], *Shyam Babu Verma v. Union of India* (1994) 2 SCC 521, *Union of India v. M. Bhaskar* (1996) 4 SCC 416, and *V. Gangaram v. Regional Jt. Director* (1997) 6 SCC 139 and in a recent decision in the matter of *Thomas Daniel v. State of Kerala* (2022 SCC OnLine SC 536).

11. In *Col. B.J. Akkara (Retd.) v. Government of India* this Court considered an identical question as under:

"27. The last question to be considered is whether relief should be granted against the recovery of the excess payments made on account of the wrong interpretation/understanding of the circular dated 7-6-1999. This Court has consistently granted relief against recovery of excess wrong payment of emoluments/allowances from an employee, if the following conditions are fulfilled (vide *Sahib Ram v. State of Haryana* [1995 Supp (1) SCC 18 : 1995 SCC (L&S) 248], *Shyam Babu Verma v. Union of India* [(1994) 2 SCC 521 : 1994 SCC (L&S) 683 : (1994) 27 ATC 121], *Union of India v. M. Bhaskar* [(1996) 4 SCC 416 : 1996 SCC (L&S) 967] and *V. Gangaram v. Regional Jt. Director* [(1997) 6 SCC 139 : 1997 SCC (L&S) 1652]):

(a) The excess payment was not made on account of any misrepresentation or fraud on the part of the employee.

(b) Such excess payment was made by the employer by applying a wrong principle for calculating the pay/allowance or on the basis of a particular interpretation of rule/order, which is subsequently found to be erroneous.

28. Such relief, restraining back recovery of excess payment, is granted by courts not because of any right in the employees, but in equity, in exercise of judicial discretion to relieve the employees from the hardship that will be caused if recovery is implemented. A government servant, particularly one in the lower rungs of service would spend whatever emoluments he receives for the upkeep of his family. If he receives an excess payment for a long period, he would spend it, genuinely believing that he is entitled to it. As any subsequent action to recover the excess payment will cause undue hardship to him, relief is granted in that behalf. But where the employee had knowledge that the payment received was in excess of what was due or wrongly paid, or where the error is detected or corrected within a short time of wrong payment, courts will not grant relief against recovery. The

matter being in the realm of judicial discretion, courts may on the facts and circumstances of any particular case refuse to grant such relief against recovery.

29. On the same principle, pensioners can also seek a direction that wrong payments should not be recovered, as pensioners are in a more disadvantageous position when compared to in-service employees. Any attempt to recover excess wrong payment would cause undue hardship to them. The petitioners are not guilty of any misrepresentation or fraud in regard to the excess payment. NPA was added to minimum pay, for purposes of stepping up, due to a wrong understanding by the implementing departments. We are therefore of the view that the respondents shall not recover any excess payments made towards pension in pursuance of the circular dated 7-6-1999 till the issue of the clarificatory circular dated 11-9-2001. Insofar as any excess payment made after the circular dated 11-9-2001, obviously the Union of India will be entitled to recover the excess as the validity of the said circular has been upheld and as pensioners have been put on notice in regard to the wrong calculations earlier made."

Referring the same, Learned Counsel submitted that since there was no fraud or misrepresentation on the part of the petitioner and the excess payment, if any, was paid by the employer to the petitioner that was only because of the wrong calculation done by the Government i.e. the State authority not by the petitioner. So, in such a situation, after superannuation, in view of the above observation of the Hon'ble Apex Court, there is no scope to deduct any financial benefits which is given to the petitioner at this stage. Learned Counsel further submitted that during his entire service period no such step was taken by the authority to recover any amount from the petitioner. So, at this stage, there is no scope to pass any order in this regard and urged before this Court to quash/cancel the impugned letter dated 04.09.2024 issued by the Senior Accounts Officer, O/o the Principal AG (A & E), Tripura, Agartala.

7. On the other hand, Learned Advocate General appearing on behalf of the State-respondents referring the judgment passed by this Court in **WP(C) No.54 of 2025** titled as **Benu Ranjan Goswami vs. The State of Tripura & Ors.**, drawn the attention of this Court that in para No.7 of the said judgment, this Court observed that in view of the judgment passed by the Hon'ble Supreme of India in the case of **High Court of Punjab and Haryana & Ors. vs. Jagdev Singh**, reported in **(2016) 14 SCC 267**, recovery from a retired government employee is permissible if an undertaking was furnished at the time of making option for a revised pay scale. Further, in para No.14 this Court further observed that at the time of movement from one scale to another as per the prevailing rule, any employee of the State Government is supposed to execute option form/undertaking. Learned Advocate General further referred para No.15 of the aforesaid judgment wherein it was stated that in the judgments relied upon by the petitioner of that case, there was no fact regarding the execution of any option form by the concerned employees. Learned Advocate General also relied upon another judgment of Hon'ble the Apex Court in **Jagdish Prasad Singh vs. State of Bihar & Ors.**, reported in **2024 SCC Online SC 1909** decided on 08.08.2024 and submitted that the said principle of law laid down in the said judgment may also be applied in this case.

8. Learned Senior Counsel, Mr. Debalay Bhattacharya appearing for respondent Nos.4 and 5 only stated that after verification of the record, irregularity in fixation of pay was found

and accordingly, the respondent-Department intimated to the authority of the petitioner to verify and to re-submit the same for releasing pension of the petitioner. It is further submitted that the said respondent is the only authorizing authority for pensionary benefits and nothing more.

9. So, after detailed hearing of argument of both the sides, it appears to this Court that there is no dispute on record that the petitioner was a Group-C employee under Government of Tripura and retired from service on superannuation on 30.06.2024. There is also no dispute on record that during his service period 3(three) CAS benefits were provided to him, first after 10 years, second after 17 years and third after 25 years of service on 19.05.1986, 19.05.2003 & 19.05.2011, respectively.

10. Now, the fact that the Senior Accounts Officer, O/o the Principal AG, after the retirement of the petitioner, on 04.09.2024 issued one communication to the Executive Engineer, Water Resources Division No-III, Udaipur, Gomati Tripura (*Annexure-9 to the writ petition*) intimating that the fixation of pay appears to be incorrect w.e.f. 01.05.1996 has created the cause of action for the petitioner to file this writ petition. The O/o the AG also returned back the Service Book of the petitioner with a request to re-examine the matter and to re-submit the same after making proper entries of pay regulation with due drawn statement and revised LPC under attestation for finalization of the same in consultation with the Finance Department.

11. Admittedly, during the service period of the petitioner no such communication was made by the respondents-State authority to him that his pay fixation was incorrect and he was given excess payment.

12. At the time of hearing, Learned Counsel for the petitioner relied upon the calculation of Pension and DCRG done by the Department which is annexed in this writ petition as Annexure-4. At the time of calculation of pension and DCRG, the last pay of the petitioner was shown at Rs.66,400/- and accordingly, by office order No.47 dated 01.08.2024(*Annexure-5 to the writ petition*) Rs.8,30,000/- was released and by another office order No.48 dated 01.07.2024 (*Annexure-6 to the writ petition*), 75% of provisional retirement gratuity was sanctioned out of Rs.10,00,000/- which comes to Rs.7,50,000/-. But, thereafter, the O/o the AG issued the said letter dated 04.09.2024 (*Annexure-9 to the writ petition*) and in the said communication it was further mentioned that pension and commuted value of pension have already been released on the basis of last pay @Rs.64,500/- as per their office calculation withholding gratuity, meaning thereby his rest amount of gratuity of Rs.2,50,000/- was withheld on the ground that he might have been given excess payment due to wrong calculation of pay by the Department.

13. Here, the observation made by the Hon'ble Apex Court in the aforementioned cases would apply because during his entire service period, no such communication was made by the Department to the petitioner in this regard. Even, his last pay was

given on the basis of last pay amounting to Rs.66,400/- and there is no such evidence on record that there was any false representation or fraud on behalf of the petitioner to the Department in receiving the excess payment. The State authority in their counter affidavit also did not submit that the petitioner executed any option form to the Department at the time of movement from one scale to another. Situated thus, there is no scope on the part of the respondent authority to recover any amount on the ground that excess payment was made. Further, Hon'ble the Apex Court in the aforementioned judgment of **Rafiq Masih (supra)** in para 18 categorically stated when recovery cannot be made by the employer. In course of hearing, Learned Counsel for the petitioner submitted that the case of the petitioner would come under para No.18 (i), (ii), (iii) of **Rafiq Masih (supra)**.

14. I have also meticulously gone through the said judgment. Since, there is no dispute on record that the petitioner was a Group-C employee under the respondent Department so, after his retirement, at this stage, there is no scope on the part of the respondent Department to recover any amount with the plea that excess payment was made due to the wrong calculation of pay and furthermore, the State-respondents also failed to satisfy this Court by showing any documentary evidence on record that the petitioner executed any option form at the time of movement from one scale to another due to revised pay rules. However, at the same time, it is also true that if the Service Book of the petitioner is

not properly verified by the O/o the AG in that case some problem may be created in near future.

15. In the result, the letter dated 04.09.2024 issued by the Senior Accounts Officer, O/o the Principal AG (A&E) stands cancelled/quashed. The writ petition filed by the petitioner is hereby allowed to the above extent.

It is ordered that the respondent authority shall release the withhold amount of DCRG (gratuity) with applicable interest to the petitioner from the due date to till the date of actual payment with further direction that the petitioner shall submit a representation to the respondent Department addressing his grievances within a period of 2(two) months from the date of passing of this judgment for re-examination of his last basic pay which has been erroneously reduced according to him. The respondent authority shall thereafter consider the same after proper hearing to the petitioner and if it is found that the stand of the petitioner is correct in that case the arrear amount, if any, be released in favour of the petitioner and if it is found that the stand of the respondent authority is correct in that case the representation shall be disposed of by the respondent authority by issuing one speaking order.

With this observation, the instant writ petition stands disposed of.

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

JUDGE

Snigdha

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