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

+ W.P.(C) 1086/2016 and C.M. APPL. 4731/2016

G.B. WAYAFALKAR

..... Petitioner

Through: Mr. Nishant Gautam, Advocate with
Mr. Vardhman Kaushik, Advocate

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mrs. Santosh Kohli, CGSC

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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15.02.2016

1. The present petition has been filed by the petitioner praying *inter alia* for issuance of a writ of certiorari, quashing the Signal dated 19.07.2011, whereunder his basic pay has been reduced from Rs.9,480/- to Rs.9,130/- and thereafter, steps have been initiated to recover the alleged excess amount from his salary.

2. Learned counsel for the petitioner submits that the issue raised in the present case is no longer *res integra* inasmuch as in almost similar facts, a writ petition filed against the CRPF, registered as **W.P.(C) 2654/2014** entitled "HC/RO S.S. Suhag and Ors. Vs. UOI and Ors." was allowed by a Division Bench vide judgment dated

20.05.2014 (Annexure P-7). He submits that relying on the said decision, the petitioner has submitted a representation dated 02.12.2015 to the respondents for recalling the order for recovery of the alleged excess payment made to him but the same has remained pending without a decision.

3. Mrs. Santosh Kohli, learned counsel for the respondents, who appears on advance notice, submits that the Union of India has preferred an appeal against the judgment dated 20.05.2014 in the captioned case, registered as SLP (Civil) No.19124/2015. A copy of the order dated 04.11.2015 passed by the Supreme Court has been handed over, which reveals that notice has been issued in the said appeal. However, there are no interim orders granted in favour of the respondents/UOI.

4. In view of the submission made by the counsel for the petitioner that the respondents be directed to dispose of the pending representation of the petitioner, the present petition is disposed of with directions to the respondents to consider the representation dated 02.12.2015 submitted by the petitioner and pass a speaking order within six weeks after taking note of the judgment dated 20.05.2014 in the captioned case. If the petitioner is still aggrieved by the decision

that may be taken by the respondents, he shall be entitled to seek his remedies in accordance with law.

5. The petition is disposed of alongwith the pending application.

DASTI to the respondents

HIMA KOHLI, J

SUNIL GAUR, J

FEBRUARY 15, 2016

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