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

+ W.P.(C) 3287/2016, CM Nos.13981-982/2016

UNION OF INDIA & ORS Petitioners

Through: Dr. Ashwani Bharadwaj, Adv.

versus

VINOY KUMAR

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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22.04.2016

1. We are not inclined to issue notice in this writ petition which impugns order dated 11th September, 2015 passed in OA No.4008/2013 to the extent it has been directed that no recovery of arrears shall be made. The Tribunal while passing the said order has relied upon the decision in **State of Punjab & Ors. vs. Rafiq Masih, 2014 (4) Scale 300**. The aforesaid payment was on account of higher salary paid to the respondent between the years 1999 till 2013. Controversy relates to whether the special pay of Rs.90/- granted to the respondent would be part of the basic pay pursuant to implementation of the Fifth Pay Commission.

2. It is noticeable that the total quantum involved is merely Rs.53,181/-. The amount is too small for the petitioner to file a writ petition and for this Court to issue notice to the respondent and examine the issue in detail including the question of whether the basic pay would include the special pay or not.

3. In these circumstances, we are not inclined to interfere with the impugned order to the extent the petitioner has challenged the direction prohibiting recovery. The writ petition is not entertained for the aforesaid reason.

SANJIV KHANNA, J

NAJMI WAZIRI, J

APRIL 22, 2016/ak