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

+ W.P.(C) 10551/2016

UNION OF INDIA

..... Petitioner

Through Ms. Shipra Shukla, Advocate.

versus

JAWALA PRASAD

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **08.11.2016**

C.M.Nos.41428/2016 & 41429/2016

Exemption allowed, subject to all just exceptions.

C.M.No.41430/2016

Delay in re-filing of the writ petition is condoned for the reasons stated in the application.

W.P.(C) 10551/2016 & C.M.No.41427/2016

We are not inclined to interfere with the impugned order passed by the Tribunal, whereby OA No.2160/2012 filed by Jwala Prasad, the respondent herein, has been allowed.

2. Jwala Prasad had retired as Khallasi on 30th July, 2011. About a month before his retirement, a show cause notice was served on him stating that his pay-scale was wrongly fixed after the Fifth Pay Commission and

should be revised. The respondent Jwala Prasad was given time to make a representation. After considering the reply, the petitioner had deducted an amount of Rs. 23,742/- from the retiral dues of Jwala Prasad.

3. Counsel for the petitioner submits that the pay-scale of Jwala Prasad was wrongly fixed in the scale of as Rs.2610-4000 instead of Rs.2610-3540. It is accepted that the said pay was fixed vide order dated 3rd June, 1991 with effect from 20th June, 1989 pursuant to the revised pay rules enacted on the basis of the Fifth Pay Commission.

4. We are not inclined to interfere with the impugned order. The amount involved is merely Rs. 23,742/-. Noticeably, this amount was deducted from the retiral dues of Jwala Prasad. Keeping in view the judgment of the Supreme Court in *State of Punjab Vs. Rafiq Masih*, (2015) 4 SCC 334, we do not think that the impugned decision requires interference.

The writ petition is dismissed.

We clarify that we have not expressed any opinion on the fixation of pay etc.

SANJIV KHANNA, J.

NOVEMBER 08, 2016/NA

CHANDER SHEKHAR, J.