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

\+ W.P.(C) 8406/2016

S.S. KASHIKAR & ORS ..... Petitioner

Through Mr. Satyajit Desai and Mr. Sudeep Dey, Advocates.

versus

UNION OF INDIA & ANR ..... Respondent

Through Ms. Barkha Babbar and Ms. Dipanjali Tyagi, Advocates alongwith Gp. Capt. M. Shrivastava, Jt. Director (MS/FT), HQ DRDO.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE CHANDER SHEKHAR

O R D E R

% **02.12.2016**

The respondents have filed before us a chart giving the gross pay of the petitioners and the total amount of recoveries to be made. The said chart/table reads as under:-

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Sl No	**Name of scientists**	**Gross Pay Per Month**	**Total Recovery Amount in rupees**
i.	S S Kashikar, Sc ‘E’ ARDE	Rs 1,45,996/-	Rs 5,06,243.00/-
ii.	Abihshek Gupta, Sc ‘D’ ARDE	Rs 1,11,999/-	Rs 5,06,243.00/-
iii.	Amit Bhetiwal, Sc ‘D’ ARDE	Rs 1,04,014	Rs 5,06,243.00/-

iv.	Kusumkant Devendra Dhote, Sc ‘F’ ARDE	Rs 1,83,994/-	Rs 8,43,132.00/-
v.	Suvash Kumar, Sc ‘D’ ARDE	Rs 1,04,054/-	Rs 8,43,132.00/-
vi.	G Venkatesan, Sc ‘F’ CVRDE	Rs 1,80,087/-	Rs 8,40,761.00/-
vii.	P Nijalingappa, Sc ‘D’ VRDE	Rs 1,41,646/-	Rs 8,40,761.00/-

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2. Counsel for the respondent has stated that G. Venkatesan and S. Parthasarthy had made payments of Rs.10,000/- per month from January, 2015 till April/May, 2015. Thereafter, they have stopped making payment. Counsel for the respondent on instructions states that in case the petitioners make payment of the entire arrears within four years from today, they would not have any objection.

3. Counsel for the petitioners states that the statement made by the counsel for the respondent is acceptable, except in the case of Suvash Kumar, the fifth petitioner, who has to refund Rs.8,43,132/-, as his monthly gross salary is Rs.1,04,054/-.

4. Keeping in view the aforesaid position, we grant one year further time to Suvash Kumar to make the said payment of Rs.8,43,132/-.

5. In order to ensure that the payment is made in due time, we permit the respondent to deduct Rs.10,000/- from the salary payable to the petitioners.

However, the petitioners would be informed about the deduction so that there is no confusion.

6. It is also clarified that in case any of the petitioners resigns, voluntarily retires or removed, dismissed or suspended from service, full balance amount would be recovered immediately.

7. Counsel for the petitioners submits that they have paid income tax, on the amount being refunded. The petitioners, it is stated, may be entitled to deduction/benefit in income tax, on account of refund. The respondent would extend full cooperation and furnish necessary certificates as per law.

Recording the above, the writ petition is disposed of.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

DECEMBER 02, 2016
NA/VKR