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

+ W.P.(C) 2157/2017

UNION OF INDIA

..... Petitioner

Through Mr. Vinod Diwakar, Advocate.

versus

H.D. NAUTIYAL (EX-REGISTRAR), NCDRC Respondent

Through

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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10.03.2017

Having heard counsel for the petitioner, we are not inclined to interfere with the impugned order dated 24th August, 2016, passed by the Principal Bench of the Central Administrative Tribunal (Tribunal, for short) in OA No.1587/2015.

2. The dispute relates to refund of salary paid to H.D. Nautiyal, the respondent, who had worked as the Registrar in the National Consumer Dispute Redressal Commission from 12th October, 2013 till his retirement on 30th April, 2014.

3. It is an undisputed position that the respondent-H.D. Nautiyal had worked as a Registrar on deputation for a period of three years

from 12th October, 2010 to 11th October, 2013. H.D. Nautiyal, at that time, was a regular Joint Registrar in the National Consumer Dispute Redressal Commission.

4. No doubt, the prayer for extension of the deputation period as Registrar was initially declined, but the fact is that the Minister of State had sent a proposal dated 31st October, 2013 for extension. It is also accepted that the Appointment Committee of the Cabinet had post facto approved the interim arrangement holding that the Joint Registrar had been entrusted duties of Registrar till H.D. Nautiyal had retired on 30th April, 2014.

5. H.D. Nautiyal had certainly worked and performed duties as Registrar in the National Consumer Dispute Redressal Commission from 12th October, 2013 till he retired on 30th April, 2014. He was also paid his salary as the Registrar. The petitioner now wants to recover the excess salary of Rs.1,90,581/-. There is no justification for the same, after the respondent had worked and performed duties, in the said factual matrix.

6. The petitioners had failed to file reply to the OA No. 1587/2015, filed by H.D. Nautiyal on 23rd May, 2015, till the

impugned order dated 24th August, 2016 was passed.

7. The averments made in the writ petition reveal that only after H.D. Nautiyal had filed an application seeking implementation of the order dated 23rd May, 2015 that the petitioners have preferred the present writ petition. In fact, in January, 2017, the petitioners had filed an application seeking extension of time to comply with the order.

8. Looking at the factual matrix, we do not think that the impugned order requires any interference. The writ petition is accordingly dismissed.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

MARCH 10, 2017
NA