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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 4900/2017, C.M. No. 21239/2017**  
**GENERAL MANAGER NORTHERN RAILWAYS AND ORS**

..... Petitioners

Through: Ms. Rashmi Malhotra, Advocate.

versus

**KARTAR SINGH**

..... Respondent

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE VIPIN SANGHI**

**HON'BLE MS. JUSTICE DEEPA SHARMA**

**ORDER**  
**29.05.2017**

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**C.M. No. 21240/2017 (exemption)**

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

**W.P.(C) 4900/2017**

The petitioners have assailed an order dated 22.12.2016 passed by the Central Administrative Tribunal ("the Tribunal") in O.A. No. 1301/2015 preferred by the respondent. The respondent had approached the Tribunal to seek the quashing of the impugned PPO whereby the respondent's pension had been reduced. The respondent sought restoration of his pension which he was drawing prior to 17.01.2014. He also sought a direction to the petitioners to refund the

amount of pension which had been recovered from his pension in pursuance of the impugned order.

Before the Tribunal, the petitioners explained as to how the pay of the respondent had been wrongly fixed, which resulted in payment of higher pension to the respondent. The Tribunal accepted this contention of the petitioners, even though it observed that prior to reduction of the respondent's pension by the impugned order, he had not been given any notice. The Tribunal, however, by placing reliance on the judgment of the Supreme Court in *State of Punjab & Ors. vs. Rafiq Masih (White Washer) etc.* (Civil Appeal No.11527/2014) decided on 13.12.2014, allowed the Original Application in so far as the petitioner had sought to make a recovery of the excess amount paid to the respondent, by observing that the respondent herein was not responsible for the same. In *Rafiq Masih (supra)*, the Supreme Court held that recovery in such like situations would cause hardship and should not be made in certain circumstances, including where it has sought to be made from the retired employees.

Learned counsel for the petitioners submits that the excess payment was in respect of several elements of pension.

We are not impressed by this argument. The excess payment made to the respondent was not on account of any fault of his. It is not the petitioner's case that the respondent had played a fraud upon the petitioner or had misled the petitioners into making excess payment to the respondent. In view of the decision of the Supreme Court in *Rafiq Masih (supra)*, the recovery made by the petitioners from the pension of the respondent was completely unjustified. We do not find any

merit in the petition and dismiss the same.

We are also of the view that the present petition is completely frivolous and we have been observing that such like frivolous petitions are being filed by one or the other departments of the Government, particularly, the Railways to assail the decision of the Tribunal.

We direct the petitioners to carefully examine the matters before taking a decision of filing writ petitions before the Court so that only deserving cases are brought to this Court, and frivolous petitions are not filed. In case, we find frivolous petitions being filed, we shall be compelled to impose costs on the petitioners, and direct its recovery from the concerned officers personally. Filing of such frivolous petitions leads to unnecessary waste of public resources and money, as well as the waste of time of this Court in dealing with such like petitions.

Dismissed.

**VIPIN SANGHI, J**

**DEEPA SHARMA, J**

**MAY 29, 2017**

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