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

+ W.P.(C.) 8879/2017

V.K. MISHRA

..... Petitioner

Through: Mr. Shree Prakash Sinha and Mr.
Rakesh Mishra, Advocates.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr. Jaswinder Singh, Adv for R-1

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

01.12.2017

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C.M. No.42643/2017

By this application, the petitioner seeks condonation of 8 days delay in filing the review petition. For the reasons stated in the application, the delay is condoned. The application stands disposed of.

R.P. No.501/2017

We have heard learned counsel for the petitioner. The primary submission of learned counsel for the petitioner is that the petitioner should not be asked to refund the amount received under the orders passed by this court in the writ petition preferred by the petitioner in view of the O.M. dated 02.03.2016. The said O.M. has been issued in consequence of the decision of the Supreme Court in *State of Punjab v. Rafiq Masih (Whitewasher) etc.* in C.A. No.11527/2014.

We cannot agree with this submission of learned counsel for the petitioner. In the facts of the present case, the petitioner received excess payment under the orders of the court in his own petition. Thus, the petitioner knew when the interim orders were passed in his favour directing payment, that the said interim order was subject to final decision in the writ petition which was eventually transferred to the tribunal. The aforesaid O.M. is, therefore, not attracted in the facts of the present case.

The further submission of learned counsel for the petitioner is that his representation to seek parity with similar posts in Medical Council of India or Veterinary Council of India has not been actioned till date. The stand taken by the Government was that the petitioner should be reverted from the post of Assistant Secretary to the post of Assistant Registrar (Registration) and a separate representation should be made on the aspect of parity sought by the petitioner.

It appears that a representation has already been made by the CCIM to the Government of India on 22.11.2002. It further appears from the orders passed by the Tribunal on 13.08.2014 that the Tribunal had also enquired about the fate of the said representation. However, there is no clarity whether the said representation has been finally disposed of or not.

In view of the aforesaid, we direct that in case the said representation has not been decided, the Government should take a considered decision within six weeks from today. In case the petitioner wishes to add to the representation already made, he may do so by making a further representation within one week. However, in case a decision has already been taken, the same should be communicated to the petitioner.

It is made clear that the aforesaid direction shall not come in the way of recovery to be made from the petitioner.

VIPIN SANGHI, J.

REKHA PALLI, J.

DECEMBER 01, 2017
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