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

+ **W.P.(C) 851/2019**

WAHAB KHAN

..... Petitioner

Through: Mr.Ankur Chhibber, Adv.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Ms. Suman Chauhan with

Ms. Ridhima Gaur, Advs. for UOI.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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12.03.2020

1. This petition was filed impugning the order dated 13th November, 2018 directing recovery of Rs.6,372/- per month from the pension payable to the petitioner, without issuance of any show-cause notice to the petitioner.
2. The petition came up first before this Court on 25th January, 2019, when while issuing notice of the petition, further coercive steps for recovering any amount from the pension due to the petitioner were stayed. The said order was made absolute on 11th March, 2019.
3. The respondents have filed a short affidavit dated 31st May, 2019 in response to the petition, wherein it is stated that after issuance of SSA dated 6th February, 2019, recovery initiated against the petitioner has been stopped and earlier recovered amount of Rs.45,194/- already refunded to the petitioner on 19th March, 2019.

4. However, a copy of the said affidavit was not supplied to the petitioner.
5. The counsel for the petitioner, on 9th December, 2019 informed that the petitioner had expired and he will be filing appropriate application.
6. No application has been filed till now.
7. The counsel for the petitioner states that he has been unable to verify from the legal heirs of the petitioner whether the refund has been received. It is also stated that the application for impleadment of heirs could not be made.
8. The question of impleadment of heirs would arise only if any amount has been deducted in pursuance to the impugned order dated 13th November, 2018 and/or though recovered has not been refunded as stated in the affidavit of the respondents. Once the respondents have stated so in the affidavit, the need to keep this petition is not felt and appropriate provision with respect thereto can be made.
9. The counsel for the petitioner states that a fresh PPO would be required in the name of legal heir/wife of the petitioner after the implementation of the 7th Central Pay Commission.
10. This petition is disposed of with the following directions:-
 - (i) that the wife of the petitioner, if has not received the refund, to approach the respondents in this regard and the respondents to, within eight weeks of being so approached, either furnish to the wife of the petitioner proof of having refunded the amounts recovered or release the amounts recovered in favour of the wife of the petitioner;

(ii) the respondents, within the aforesaid eight weeks, shall also issue a fresh PPO in the name of the wife of the petitioner, if required and/or giving effect to the change if any pursuant to the 7th Central Pay Commission.

11. The petition is disposed of.

RAJIV SAHAI ENDLAW, J

SANGITA DHINGRA SEHGAL, J

MARCH 12, 2020

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