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

\+ **W.P.(C) 1648/2019**

HC/ MOCHI MAMAN CHAND ..... Petitioner

Through Mr. Ankur Chhibber, Advocate

versus

UNION OF INDIA AND ORS. ..... Respondents

Through Mr. P.S.Singh, Senior Panel Counsel with Ms. Bakshi Vinita, Govt. Pleader for R-1.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE TALWANT SINGH

O R D E R

% **12.02.2020**

1. The challenge in the present petition is to a revised Pension Payment Order ('PPO') issued by the Respondents on 17th November, 2016 seeking to recover a total amount of Rs. 5,15,374/- from the Petitioner, who took voluntary retirement on 31st December, 1999.

2. Interestingly, pursuant to a judgment dated 10th July, 2015 of this Court in W.P.(C) No.6440/2015, the benefits of the first and second financial upgradation under the ACP scheme, were granted to the Petitioner by issuing a fresh PPO dated 16th December, 2015.

3. From the counter affidavit filed by the Respondents, it is sought to be contended that they noticed an inadvertent error in calculating the pension payable to the Petitioner and therefore resorted to recoveries. It is not in

dispute that prior to making such recovery no Show Cause Notice was issued to the Petitioner. Apart from this itself being a legal infraction which is incurable, the Court notices that the Petitioner having admittedly superannuated in a Group ‘C’ post, any recoveries made from him after his superannuation stands completely barred in view of the judgment of the Supreme court in ***State of Punjab v. Rafiq Masiq (2015) 4 SCC 334.*** The specific directions in this regard are contained in paragraph 18 of the said judgment.

4. On the above two grounds, the Court holds that the impugned PPO dated 17th November, 2016, deserves to be quashed and it is accordingly ordered. The amount recovered from the Petitioner thus far will be returned to the Petitioner, not later than eight weeks from today, failing which simple interest at 6% per annum on the said sum will become payable for the period of delay. Resultantly the earlier PPO dated 16th December, 2015 shall be revived and all payments shall be made hereafter in terms thereof.

5. It is needless to state that further revisions of the Petitioner’s pension on the basis of the recommendations of the 7th Central Pay Commission will also be given effect to within the same period of eight weeks.

6. The petition is allowed in the above terms.

S.MURALIDHAR, J.

TALWANT SINGH, J.

FEBRUARY 12, 2020/mw