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

% ***Date of decision: March 28, 2022***

+ **W.P.(C) 5045/2022 & CM APPL. 14997/2022**

**DHARMALINGAM** ..... Petitioner

Through: **Mr. Abhay Kumar Bhargava &  
Mr. Satyarth Sinha, Advocates**

**Versus**

**UNION OF INDIA & ORS.** ..... Respondents

Through: **Mr. Sushil Raaja, Senior Panel  
Counsel with Mr. Jitendra Kumar  
Tripathi, Government Pleader**

**CORAM:**

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT  
HON'BLE MR. JUSTICE SUDHIR KUMAR JAIN**

**J U D G M E N T (oral)**

1. Vide present petition, quashing of orders dated 11.06.2021 and March, 2022 (undated) issued by the respondents is sought.
2. The petitioner had joined the service of CRPF on 24.12.1994 on the post of ASI/ and he retired on 31.05.2018, being posted in 239 Bn CRPF. According to petitioner, vide impugned communication dated 11.06.2021, he has been informed that during his service, amount to the tune of Rs.2,47,313/- has been paid in excess by the respondent and he has been



directed to deposit the same with the respondents.

3. Learned counsel for petitioner submits that in catena of decisions, the Hon'ble Supreme Court has laid down that recovery of excess paid amount cannot be made in peculiar circumstances like when the employee has retired or is on the verge of retirement. It is submitted that the petitioner has already retired on 31.05.2018 and the recovery vide impugned communications has been directed after a lapse of three to four years and it would cause a great hardship to the petitioner.

4. Notice issued.

5. Mr. Sushil Raaja, learned Senior Panel Counsel for respondents, accepts notice.

6. Upon hearing learned counsel for the parties in brief, the present petition is disposed of with liberty to the petitioner to make a representation to the competent authority within four weeks for the relief sought herein, which shall be considered and decided by the respondents within six weeks of receipt thereof. Till the time the representation of petitioner is decided, the impugned communications dated 11.06.2021 and March, 2022 (undated) shall not be given effect to by the respondents. However, if petitioner fails to make the representation to the respondents within the time stipulated,



respondents shall be at liberty to proceed further qua these communications as per law.

7. With aforesaid observations, the present petition is disposed of. Pending application is disposed of as infructuous.

**(SURESH KUMAR KAIT)**  
**JUDGE**

**(SUDHIR KUMAR JAIN)**  
**JUDGE**

**MARCH 28, 2022**

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