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

% Judgment delivered on: 14.11.2022

+ W.P.(C) 15615/2022 & CM APPL. 48616-18/2022

NEW DELHI MUNICIPAL COUNCIL

..... Petitioner

versus

ARVIND KUMAR GAUTAM AND ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner:

Ms. Kanika Agnihotri and Mr. Vaibhav
Agnihotri, Advocate

For the Respondent:

Mr. Srivats Kaushal with Ms. Vatsala C.
Chaturvedi, Mr. PLuneet Rathi, Advocates for Ms.
Rashmi Chopra, Advocate for R-1

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 28.10.2022 whereby a direction has been issued to the petitioner to pay the deducted amount to the respondents.

2. It is noticed that the impugned order is not available on the record and a blank sheet has been placed in place of the impugned

order. The impugned order has been handed over today in Court. The same is taken on record.

3. Learned counsel for the petitioner submits that certain excess payment have been made to the respondents during his service which was liable to be recovered from him and instead of recovery at the time of his retirement, deductions were made from his retiral benefits and said amount is not liable to be paid to the respondents.

4. Learned counsel for the petitioner further submits that the amount deducted shall be deposited with the Tribunal without prejudice to the rights and contentions of the parties and subject to orders of the Tribunal.

5. Learned counsel for the respondents disputes the same. He submits that there was a specific direction to the petitioner not to deduct any amount and despite the same, amount has been deducted and as such Tribunal was constrained to pass an order to pay the amount.

6. Be that as it may, we dispose of this petition with a direction to the petitioner to deposit the entire amount as directed by the Tribunal within a period of one week from today. On deposit of the same, it would be open to the Tribunal to consider the request of the respondents for expeditious disbursal of the amount in accordance with law.

7. On deposit of the amount, the Tribunal shall dispose of the

contempt petition and the contention of the petitioner that the amount is not liable to be paid to the respondents and that of the respondent that the amount is liable to be disbursed to the respondent forthwith, be considered in the Original Application on merits.

8. The prayer of the respondent for expeditious disposal of the O.A be also considered by the Tribunal.

9. Learned counsel for the petitioner assures that the reply to the Original Application shall positively be filed on the record of the Tribunal within two weeks from today. Rejoinder, if any, be filed within two weeks.

10. The petition is disposed of in the above terms.

11. Order *dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

TUSHAR RAO GEDELA, J

NOVEMBER 14, 2022/‘rs’