

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
% Date of decision: May 10, 2023

+ W.P.(C) 1630/2023

RANBIR SINGH SEHRAWAT ..... Petitioner  
Through: Mr. G.L. Verma, Adv.

versus

DELHI DEVELOPMENT  
AUTHORITY AND ORS. .... Respondents  
Through: Mr. Arun Birbal and Mr. Sanjay  
Singh, Advs.

**CORAM:**  
**HON'BLE MR. JUSTICE V. KAMESWAR RAO**  
**HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA**

**V. KAMESWAR RAO, J. (ORAL)**

1. The challenge in this petition is to an order dated January 17, 2023 passed by the Central Administrative Tribunal in the Original Application being OA 2976/2019, whereby the Tribunal has allowed the OA to a limited extent by stating in paragraph 9 as under:

*“9. It is further seen that the salary of the applicant has been re-fixed on 30.06.2016 i.e. 06.01.2013, for the said receipt of the amount the applicant has not committed any act of commission or omission in receiving the amount, therefore, he cannot be held responsible for receiving the said amount in excess of his legitimate dues. For the reason the said recovery cannot be sustained. The respondents are directed to refund an amount of Rs.1,41,177/- as reflected in para-1 of the counter reply to the applicant within a period of four weeks along with interest at GPF rates from the date of receipt of a certified copy of this order.”*

2. The grievance of the petitioner as urged by his Counsel is that the

Tribunal should have also considered the issue whether or not the petitioner is entitled to Grade Pay of ₹4,200, which was sought to be taken back by the respondents herein by fixing at ₹2,800/-.

3. We find that in paragraph 7 of the impugned order, the Tribunal has relied upon the policy of the DDA. On a specific query to Mr. Arun Birbal, learned counsel appearing for the respondent DDA as to what is the justification in the policy to grant grade pay of ₹2,800/-, he states the same has to be seen from the records maintained by the DDA wherein the decision has been taken.

4. In view of the submission made by Mr. Birbal and the fact that the circular does not record the reasons for taking a decision to fix the pay of the petitioner at ₹2,800/-, we deem it appropriate to remand the matter back to the Tribunal by granting time to the DDA to file additional affidavit justifying the policy decision. Any observation of the Tribunal, with regard to withdrawal of grade pay of ₹4200/- and fixing at ₹2800/- is set aside. The OA is revived on the Board of the Tribunal for a decision on the limited issue. Liberty is also granted to the petitioner to file response to the additional affidavit that shall be filed by the DDA within eight weeks from today. For this purpose, list the matter before the Joint Registrar of the Tribunal on July 5, 2023.

**V. KAMESWAR RAO, J**

**ANOOP KUMAR MENDIRATTA, J**

**MAY 10, 2023/jg**