



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

% *Date of Decision: July 26, 2023*

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+ **W.P.(C) 9578/2023, CM APPL. 36650/2023**

RIAZ ALI

..... Petitioner

Through: Mr. Bajrang Vats, Advocate.

versus

GNCT OF DELHI & ORS.

..... Respondents

Through: Mr. Yeeshu Jain, ASC (Civil) with
Ms. Jyoti Tyagi, Ms. Manisha and
Mr. Himanshu Mishra, Advocates.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

V. KAMESWAR RAO (Oral)

1. The challenge in this writ petition is to the order dated March 07, 2023 passed in O.A. No. 2635/2022 and order dated April 28, 2021 passed in R.A. No. 55/2023 in O.A. No. 2635/2022 by Central Administrative Tribunal ('Tribunal' in short), Principal Bench, New Delhi.

2. After some submissions, learned counsel for the petitioner states that he shall not press this petition except that the Tribunal should consider the aspect of wrong fixation of pay by the audit in the letter dated September 21, 2021, more specifically, when the pay was fixed on August 18, 2007. The submission is that even if the petitioner is not entitled to pay of Rs. 18210/-, his pay cannot be fixed at Rs. 16950/- but should be at Rs. 17140/-. He has drawn our attention to the prayer made in the Original Application, page No. 93 of the paperbook more specifically (VII), wherein such a relief was sought.



3. Mr. Jain and Mr. Singh are agreeable if the matter is remanded back to the Tribunal for a fresh consideration, insofar as this relief No. VII is concerned.
4. Noting the same, the Original Application is revived on the Board of the Tribunal for the Tribunal to consider the prayer VII as made in the Original Application.
5. Accordingly, parties shall appear before the Tribunal on August 10, 2023 and Tribunal shall hear the parties on the date fixed or on any date convenient to it, and shall dispose of the Original Application within three months from today, as an outer limit.
6. Till the matter is decided by the Tribunal, no further recovery shall be affected from the salary of the petitioner in view of the order of the Tribunal dated March 07, 2023 as the Tribunal has permitted the respondents to make recovery post January 01, 2016.
7. Petition stands disposed of. Pending application, if any, also stands disposed of.

V. KAMESWAR RAO, J.

ANOOP KUMAR MENDIRATTA, J.

JULY 26, 2023/R