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

+ W.P.(C) 5762/2024, CM APPL. 23800/2024

UNION OF INDIA

..... Petitioner

Through: Mr. Sandeep Tyagi, Advocate.

versus

RAGHURAJ

..... Respondent

Through: Mr. Ranbir Singh Sandhu and Mr.
Shiv Kumar Tiwari, Advocates

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

09.05.2024

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1. The present petition under Articles 226 of the Constitution of India seeks to assail the order dated 11.01.2023 passed by the learned Central Administrative Tribunal (the Tribunal) in O.A. No. 02/2020. Vide the impugned order, the learned Tribunal has set aside the order dated 14.11.2019, vide which the petitioner had sought to make recoveries from the respondent on account of the purported overpayment made to him towards his salary for the period between 01.09.2008 to 31.07.2018, due to an erroneous pay fixation of his pay at Rs.9,290/-, as against Rs.9,020/- to which he was actually entitled.

2. Learned counsel for the petitioner submits that the learned Tribunal has failed to appreciate that once it was discovered that an overpayment had been made to the respondent due to an inadvertent error, the petitioner was justified in seeking to recover the differential amount. After some



arguments, he concedes that since the respondent is a Group ‘C’ employee and he was in no way responsible for the purported error resulting in excess payment being made to him, the issue is covered against the petitioner by the decision of the Apex Court in *Punjab & Ors. v. Rafiq Masih*, (2015) 4 SCC 334.

3. In the light of the aforesaid, when it is an admitted position that the ratio of *Rafiq Masih* (*supra*) applies squarely on all fours to the present case, we see no reason to interfere with the impugned order.

4. The writ petition alongwith the pending application, is accordingly, dismissed.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 9, 2024/So