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

+ **W.P.(C) 7276/2019 & CM APPL. 30271-30272/2019**

SI/GD SAURABH KUMAR SINHA Petitioner

Through: **Mr. Kunwar Arish Ali and Mr. Mohammad Ahmad, Advocates**

versus

UNION OF INDIA & OTHERS Respondents

Through: **Mr. Neeraj, SPC with Mr. Vedansh Anand, GP and Mr. Sahaj Garg, Advocates with ASI/GD Sanjiv Kumar Singh, CRPF.**

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

13.03.2024

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1. This petition has been filed by the petitioner with the following prayers:

"It is, therefore, prayed that this Hon'ble court may kindly be pleased to:-

i. Issue a writ of certiorari for quashing of the office order No. M III-I/2019-CH-EC-III (MIB) dated 22/06/2019 issued by the respondent no. 4 and order No. L-II-2/2018_199_EC-II dated 18/02/2018 passed by the respondent no. 7 for over payment of Rs.6,88,592/- (Rupees Six Lakhs, Eighty Eight Thousand and Five Hundred Ninety Two Only) for the period of 20/08/2015 to 31/12/2016 and from the date of 01/12/2017 to 28/12/2017 in the interest of justice.

ii. Issue a writ of Mandamus directing the respondents to transfer the petitioner from 2nd Bn. to Directorate, IG NS office, R. K. Puram New Delhi and Group Centre Delhi in the interest of justice.

iii. Direct to the respondent no. 7 to publish the office order in regard of HRA, risk allowances and transfer allowances of service period of the petitioner in 199 Bn. in the interest of justice.

iv. Direct to the respondents to refund the payment Rs.3,98,064/- till June, 2019 to the petitioner which has been deducted from his salary



in the interest of justice.

V. To pass any other orders/directions which this Hon'ble Court may deem fit and proper in favor of the petitioner by considering the facts and circumstances of the present petition in the interest of justice.”

2. The submission made by the learned counsel for the petitioner by drawing our attention to page 40 and 41 of the counter affidavit is that the respondents have treated the period of 862 days of absence of petitioner as regularised but without pay and allowances which is arbitrary. The submission is also that during the period between September 12, 2015 to December 21, 2016, the petitioner was actually discharging his duties in the IT department of the respondents on the basis of verbal instructions given by the IG (Medical) and hence entitled to the monetary benefits.

3. We are unable to accept such a submission of the learned counsel for the petitioner as without a written order no one can be discharged/be posted at any place of posting.

4. We are of the view that in the totality of the facts that the respondents have regularised the 862 days of absence of the petitioner without pay and allowances, the same is reasonable and need not be interfered with.

5. The other submission of the learned counsel for the petitioner is by drawing our attention to clause (iv) of the prayer clause of amended writ petition, which reads as under:

“iv. Direct to the respondent no. 6 to publish the office order in regard of HRA, risk allowances and transfer allowances of service period of the petitioner in 199 Bn. in the interest of justice”

6. Appropriate shall be that the respondents consider this prayer of the petitioner and communicate their decision on this within a period of four weeks from today.



7. If the petitioner is aggrieved by an order to be passed by the respondents on this aspect, liberty shall be with the petitioner to approach the Court in accordance of law.

8. The petition is disposed of. Applications have become infructuous.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

MARCH 13, 2024/So