



\$~49

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 10631/2024 & CM APPL. 43754/2024

MRS. SARITA BAKHSI

.....Petitioner

Through: Mr. Amish Tandon and Ms.
Charchika Yadav, Advocates.

Versus

HANSRAJ COLLEGE & ANR.

.....Respondents

Through: Mr. Rajesh Gogna, CGSC with Ms.
Priya Singh and Mr. Nipun Jain, Advocates for
R1.

Mr. Mohinder J.S. Rupal and Mr. Hardik Rupal,
Advocates for R2/University of Delhi.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

07.08.2024

%

1. This writ petition has been preferred on behalf of the Petitioner under Articles 226 and 227 of the Constitution of India seeking the following reliefs:

“a) Issue a writ of certiorari or any other appropriate writ, order or direction setting aside the Impugned Order dated 24.07.2024 passed by the Respondent No. 1;

b) Issue a writ of mandamus or any other appropriate writ, order or direction directing the Respondents to reverse (and pay to the Petitioner) all pensionary sums deducted by the Respondents (including for the period October 2023 to July 2024 and in past);

c) Issue a writ of mandamus or any other appropriate writ, order or direction directing the Respondents to refrain from making any deductions from the pensionary benefits of the Petitioner under the applicable family pension scheme, in the future; and

d) Issue a writ of Mandamus or any other appropriate writ, order or direction directing the Respondents to forthwith clear any arrears of the Petitioner under the applicable family pension scheme; and

e) Pass any other order as deemed fit and necessary by this Hon 'ble Court in view of the facts and circumstances of the present case.



2. Learned counsel appearing on behalf of the Petitioner submits that the present case relates to recovery of an alleged excess payment for the period 2012-15 on account of the family pension received by the Petitioner from Respondent No.1/Hansraj College on account of the death of her husband who was holding the post of a Reader at the said College and was a subscriber to the Family Pension Scheme. A writ petition being W.P.(C) 9590/2024 was filed by the Petitioner against the action of the College seeking to recover the alleged excess amount, which was disposed of by the Court vide order dated 16.07.2024 directing Respondent No.1/Hansraj College to decide the representations of the Petitioner, as also to treat the writ petition as a representation taking into account the issues highlighted by the Petitioner, including the judgments referred to in the context of recovery from retired employees and/or recovery when excess payment has been made for a period in excess of five years, before the order of recovery is made. The Court had categorically directed that a reasoned and speaking order shall be passed within a period of four weeks. However, in total defiance of the said order, the College has passed the impugned order dated 24.07.2024 justifying the recovery but without any reasons.

3. Mr. Rajesh Gogna, learned counsel appearing for Respondent No.1 fairly admits that order dated 24.07.2024 is a non-speaking order and cannot sustain in view of the directions passed by this Court on 16.07.2024. On instructions, it is submitted that the College will withdraw the order dated 24.07.2024 and be given liberty to pass a fresh order indicating the reasons for recovery/deduction from the family pension on account of alleged excess payment of Rs.6,22,880/-.



4. This writ petition is accordingly disposed of taking on record the statement made on behalf of Respondent No.1 that the impugned order dated 24.07.2024 shall be withdrawn and a fresh order will be passed giving the reasons for the recovery from the family pension. The order shall be passed within one week from today and will be communicated to the Petitioner who will be at liberty to take recourse to legal remedies in case of any surviving grievance. Pending application stands disposed of.

JYOTI SINGH, J

AUGUST 7, 2024/jg