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

+ **W.P.(C) 5378/2025 & CM APPL. 24460-61/2025**

GANPAT SINGH

.....Petitioner

Through: Ms. Latika Chaudhary, Advocate.

versus

BSES YAMUNA POWER LTD

.....Respondent

Through: Mr. Sandeep Prabhakar, Sr.
Advocate with Mr. Vikas Mehta,
Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **25.04.2025**

1. By way of this petition under Article 226 of the Constitution, the petitioner assails an order dated 04.04.2025 issued by the respondent - BSES Yamuna Power Ltd., by which the petitioner's emoluments have been reduced alongwith his pay level with effect from March 2025.
2. The petitioner has also been directed to deposit an alleged excess amount paid to him from 01.03.2017 to February, 2025, computed at Rs.32,34,982.60/-, failing which the said amount would be recovered from his monthly salary.
3. The respondent's contention is that the petitioner's pay had been wrongly fixed upon a representation made by him with regard to anomaly with the case of one Shri Sushil Chand. Upon a representation of another employee, Shri Pitambar, the respondent found that there was, in fact, no anomaly in the fixation of the petitioner's pay *vis-à-vis* that of Shri Sushil Chand. The position has, therefore, been reversed with effect from March



2025.

4. A substantially similar case was considered by this Court in *Virender Kumar Shastri v. BSES Yamuna Power Limited* [W.P.(C) 4976/2025], which was disposed of on 21.04.2025. This Court found that an action of this nature, at the very least, requires an opportunity to be given to the petitioner to represent against the proposed action. Since his earlier representation had been accepted, the decision ought not to have been reversed without affording him any opportunity. On the question of recovery also, it was held that the matter must be independently considered in the light of the judgments of the Supreme Court in *State of Punjab v. Rafiq Masih* [(2015) 4 SCC 334, dated 18.12.2014], *Thomas Daniel v. State of Kerala*, [2022 SCC OnLine SC 536, dated 02.05.2022] and *Jogeshwar Sahoo and Ors v. The District Judge, Cuttack and Ors* [SLP (C) No. 5918/2024, dated 02.05.2022].

5. W.P.(C) 4976/2025 was disposed of with the following directions:

“9. Having regard to the aforesaid, the writ petition is disposed of with the following directions: -

a) The writ petition will be treated as a representation made by the petitioner to the respondent, with regard to the proposed reduction of his salary from Rs.2,39,644/- to Rs.2,08,916/- with effect from March 2025.

b) It is the petitioner's contention that even if the removal of anomaly was erroneously allowed at the time of his earlier representation in the year 2020, the current re-fixation of his pay at Pay Level 10 (A) is erroneous. The respondent will consider all these aspects while disposing of the petitioner's representation.

c) The said representation will be decided within a period of four weeks from today.

d) The petitioner's salary for March 2025 has already been paid at the reduced rate of Rs.2,08,916/-. His salary for the month of April 2025 will also be paid at the same rate. However, in the event his representation is allowed, the arrears for the months of March and



April 2025 will be paid to him by 31.05.2025.

e) In the event the petitioner's representation is rejected, the respondent will consider the question of recovery of the alleged excess amount paid from 01.03.2017 to February 2025 independently and in accordance with law, including the aforesaid judgments of the Supreme Court.

f) No order of recovery will be given effect to for a period of six weeks after it is passed.

g) All rights and contentions of the parties on the merits of the matter remain reserved."

6. In the present case, learned counsel for the parties are agreeable to similar directions.

7. However, learned counsel for the petitioner submits that the petitioner is unaware of the exact Rules which have been applied in taking the impugned action. Mr. Sandeep Prabhakar, learned Senior Counsel for the respondent, submits that the consideration of the petitioner's earlier representation, as well as that of Shri Pitambar, was only in relation to an anomaly that exists in the case of Shri Sushil Chand.

8. Having regard to these facts, the writ petition, alongwith the pending applications, is disposed of with the directions contained in paragraph 9 of the order dated 21.04.2025 in W.P.(C) 4976/2025. However, it is expected that if the petitioner seeks any clarification with regard to reasons for the decision, the same will be provided by the respondent.

PRATEEK JALAN, J

APRIL 25, 2025
'Bhupi/JM'/