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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 1408/2023

SHAKTI PRAKASH MISHRA

.....Petitioner

Through: Mr. Manoj Sharma, Mr. Saurabh
Sharma, Advocates.

versus

ASHUTOSH SHARMA & ANR.

.....Respondents

Through: Mr. Hanu Bhaskar, CGSC with
Mr. Ravi Kant, Advocate for R-4
and 5.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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07.02.2025

1. The petitioner alleges contempt of orders dated 06.05.2022 and 12.10.2022 passed by this Court in W.P.(C) 7037/2022, to the extent that this Court had restrained the respondents from effecting any recovery from the salary of the petitioner.
2. The petitioner is serving in the respondent – Indian National Science Academy [“INSA”] as Deputy Executive Director-I (Scientific). In the writ petition, he assails the downgrading of his Grade Pay from Rs. 8,900/- to Rs. 8,700/-, retrospectively. The petitioner has also challenged an Office Memorandum dated 10.03.2022 issued by INSA, by which it was contemplated that the sum of Rs. 59,430/- allegedly paid to him in excess, would be recovered from his salary.
3. By order dated 06.05.2022, which was continued on 12.10.2022, the petitioner was protected from recovery from his salary.
4. Mr. Manoj Sharma, learned counsel for the petitioner, submits that despite the aforesaid orders, the petitioner is receiving his salary at Grade Pay Rs. 8,700/-, and not at Grade Pay Rs. 8,900/-, as originally fixed.



However, he clarifies, upon instructions from the petitioner, who is present in Court, that no recovery of alleged excess payment made in the past, is being effected from the petitioner's salary after the passing of the interim orders.

5. In view of this clarification, I am of the view that this is not a case for institution of contempt proceedings. The order dated 06.05.2022 restrained recoveries from the petitioner's salary, but did not stay the impugned orders of the respondent, or restore his Grade Pay to Rs. 8,900/- for the future. The consequence of the order was that the petitioner's salary would thereafter be paid in accordance with the impugned orders, but that the alleged excess amount paid to him prior to the downgrading of his Grade Pay, would not be recovered during the subsistence of the interim order. There is no allegation or contention that the order, so understood, has been breached.

6. The contempt petition is therefore dismissed.

PRATEEK JALAN, J

FEBRUARY 7, 2025/“Bhupi/AD”/