



2025:DHC:9249-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 16.10.2025***

+ W.P.(C) 16050/2025

UNION OF INDIA & ORS.

.....Petitioners

Through: Mr.Piyush Gupta, CGSC with
Mr.Atishay Jain, Ms.Yamini
Bansal, Advs. with Mr.Kapil
Naik, CLO Northern Railway.

versus

RAJESH KUMAR

.....Respondent

Through: None.

CORAM:**HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE MADHU JAIN****NAVIN CHAWLA, J. (ORAL)****CM APPL. 65756/2025 (Exemption)**

1. Allowed, subject to all just exceptions.

W.P.(C) 16050/2025 & CM APPL. 65757/2025

2. This petition has been filed challenging the Order dated 15.04.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as 'Tribunal') in O.A. No.3143/2018, titled ***Rajesh Kumar v. Union of India & Ors.***, allowing the O.A. filed by the respondent herein, with the following directions:

"4.3 In view of what has been stated hereinabove, the OA is allowed in the following terms:-

(i) The order dated 25.06.2018 is quashed.

(ii) The respondents are directed to pay the



*recovered amount i.e. Rs. 71,268/- along with applicable GPF interest to the applicant.
(iii) The said exercise should be completed within a period of eight weeks from the date of receipt of a certified copy of this order.”*

3. Admittedly, the respondent had been granted promotion to the post of Head Clerk in the Grade Pay of Rs.5000-8000 in the parent cadre under NBR with effect from 31.12.1997 and the benefit of pay fixation was extended by the petitioners to the respondent on 13.10.1998. It was only at the time of his retirement in the year 2017, that the petitioners stated that the respondent had been irregularly granted excess pay of Rs.6200/- as against Rs.6050/- with effect from 20.11.2002 and sought to recover Rs.71,268/- from the respondent. Representation of the respondent against the same was also rejected by the petitioners *vide* Order dated 25.06.2018, forcing the respondent to approach the learned Tribunal by way of the above O.A..

4. In the above facts, in our view, the learned Tribunal has rightly applied the principles laid down by the Supreme Court in ***High Court of Punjab and Haryana & Ors. v. Jagdev Singh***, (2016) 14 SCC 267, and ***State of Punjab & Ors. v. Rafiq Masih (White Washer) & Ors.***, (2015) 4 SCC 334, to allow the O.A. filed by the respondent herein. We see no reason to interfere with the same.

5. The petition along with the pending application is, accordingly, dismissed.

NAVIN CHAWLA, J

MADHU JAIN, J

OCTOBER 16, 2025/ns/ik