



2025:DHC:11012-DB



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

Date of decision: 08.12.2025

+ W.P.(C) 16800/2024

UNION OF INDIA & ANR.

.....Petitioners

Through: Mr.Shoumendu Mukherji, SPC,
Mr.Aniruddha Ghose, Adv.
with Mr.Saurabh Deshmukh,
Director and Ms.Bhawan
Pashupulali, AAO.

versus

K S PADMAVATHY

.....Respondent

Through: Nemo.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

CM APPL. 71091/2024

1. This application has already been disposed of *vide* Order dated 24.11.2025. The same shall not be shown in the Cause List in future.

CM APPL. 13275/2025

2. This application has been filed seeking permission to place certain additional documents on record.

3. Having heard the learned counsel for the petitioners, the application is allowed.

4. The documents are taken on record.

5. The application stands disposed of.



W.P.(C) 16800/2024 & CM APPL. 71090/2024

6. This petition has been filed, challenging the Order dated 23.04.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the ‘Tribunal’) in O.A. No.3787/2022, titled ***K.S. Padmavathy v. Union of India & Anr.***, whereby the learned Tribunal partially allowed the said O.A. filed by the respondent herein with the following directions:

“ 6. Conclusion:

6.1 We, therefore, partly allow this OA, the recovery of the excess amount is hereby quashed and set aside. The respondents are liable to refund the same within period two months from the date of receipt of the certified copy of this order. In result, there shall not be any recovery of the excess amount paid pursuant to the Order dated 17.10.2019.

6.2 We further direct the respondents to dispose of the pending representation(s) qua the re-fixation of pay and pension w.e.f. 31.10.2019 after giving a due opportunity of hearing to the applicants within period two months from the date of receipt of the certified copy of this order.”

7. To give a brief background of facts from which the present petition arises, in compliance with the Order dated 01.02.2013 passed by the learned Tribunal in O.A. 2124/2011, titled ***All India Postal Accounts Employees & Anr. v. Union of India & Anr.***, regarding stepping up of the pay of Senior Accountants to that of Junior Accountant (Direct), the petitioners issued Orders dated 18.03.2014, 19.03.2014, 09.04.2014, and 28.09.2015, clarifying that only the pay was to be stepped up and not the pay scale.

8. In compliance with the same, the pay of the respondent was



stepped up to be at par with that of his junior, that is, Mr. S.Govindrajan (Direct JA), with effect from 16.08.2007, in 2015. However, pursuant to an audit objection, the pay of the respondent was sought to be re-fixed, and a recovery of Rs.4,54,085/- was effected *vide* Orders dated 19.09.2019/17.10.2019.

9. Challenging the aforesaid action, the respondent filed the above O.A. before the learned Tribunal.

10. The learned Tribunal held that, insofar as the recovery of the amount is concerned, since the same was being effected just before the respondent's retirement, it was impermissible in terms of the Judgment of the Supreme Court in ***State of Punjab & Ors. v. Rafiq Masih (White Washer) & Ors.***, (2015) 4 SCC 334. However, with respect to the respondent's future retiral benefits, the learned Tribunal granted liberty to the petitioners to take a decision after affording an opportunity of hearing to the respondent.

11. The learned counsel for the petitioners submits that the respondent, on two occasions when his pay was re-fixed, had given an undertaking that in case the amount so fixed was later found to be incorrect, he would refund the same. Placing reliance on the Judgment of the Supreme Court in ***High Court of Punjab and Haryana and Ors. v. Jagdev Singh***, (2016) 14 SCC 267, he submits that in similar circumstances, the Supreme Court held that the principle laid down in ***Rafiq Masih (White Washer) & Ors.*** (supra) would not apply, and therefore the petitioners would be entitled to recover the excess amount paid to the respondent.

12. We are unable to accept the submission made by the learned



counsel for the petitioners.

13. In the present case, the pay fixation of the respondent was carried out pursuant to the order of the learned Tribunal. The same was done in the year 2015, and it was only around the time of the retirement of the respondent, that the recovery order was issued. Such recovery is prohibited in terms of the Judgment of the Supreme Court in *Rafiq Masih (White Washer) & Ors.* (supra). Merely relying on the general undertakings routinely obtained whenever an employee's pay is fixed cannot come to the aid of the petitioners. It needs be noted that it is not the case of the petitioners that the pay of the respondent was wrongly fixed due to some misrepresentation or fraud of the respondent.

14. In *Jagdev Singh* (supra), the undertaking that formed the basis of the Supreme Court's decision was one specifically furnished at the time when the respondent therein opted for the revised pay scale. That is not the situation in the present case.

15. Accordingly, we find no merit in the present petition. The same is dismissed. The pending application is also disposed of as infructuous.

16. There shall be no order as to costs.

NAVIN CHAWLA, J

MADHU JAIN, J

DECEMBER 8, 2025/Arya/DG