



2025:DHC:11793-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 22.12.2025***+ W.P.(C) 19372/2025
UNION OF INDIA THROUGH GENERAL MANAGER
NORTHERN RAILWAY & ANR.PetitionersThrough: Ms. Rashmi Malhotra and Mr.
Arnab Chanda

versus

VED PRAKASHRespondent

Through: None.

CORAM:**HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE MADHU JAIN****NAVIN CHAWLA, J. (ORAL)****CM APPL. 80813/2025 (Exemption)**

1. Allowed, subject to all just exceptions.

W.P.(C) 19372/2025, CM APPL. 80812/2025

2. This petition has been filed challenging the Order dated 24.04.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 1976/2017, titled *Ved Prakash v. Union of India through The General Manager Northern Railway & Anr.*, allowing the O.A. filed by the respondent herein with the following directions:

*"4.4 For the reasons explained hereinabove,
the OA is allowed in the following manner: -
(i) The order dated 22.07.2016 is quashed.*



- ii) The respondents shall release the withheld gratuity of the applicant.*
- (iii) The pay of the applicant shall be restored to the stage it was at prior to the issuance of the order dated 22.07.2016.*
- (iv) The applicant shall be entitled to arrears arising from the re-fixation on an actual basis.*
- (v) Both the gratuity and arrears of pay, along with the consequential benefits, shall be released to the applicant, together with interest at the applicable General Provident Fund (GPF) rates.*
- (vi) The entire exercise shall be completed within a period of eight weeks from the date of receipt of a certified copy of this order.”*

3. It is the case of the petitioners that, by medical report dated 10.07.2000, the respondent was declared medically unfit for the post of Loco Pilot (Goods) and found fit only for shunting duties in the yard. However, he was erroneously promoted as Loco Pilot (Passenger) on 29.09.2000 and his pay was erroneously fixed at the Pay Scale applicable to the said post. Just prior to his superannuation, it was realized that the respondent had been drawing a higher pay and accordingly, his pay was re-fixed, and his pensionary benefits were worked out on the corrected pay scale as his last pay.

4. The learned counsel for the petitioners submits that the learned Tribunal has failed to appreciate that in the present case no recovery was sought to be made from the respondent; only his pay was sought to be corrected to the appropriate pay scale. She submits that the withheld amount from the Death-cum-Retirement Gratuity of the respondent has already been refunded.

5. To our query, the learned counsel admits that since his promotion, the respondent had been working at the promotional post



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between 29.09.2000 till the date of his superannuation, that is 31.07.2016.

6. In the above facts, once it is admitted that the respondent did discharge his duties at the promotional post for a long period of almost sixteen years, we fail to understand as to how the petitioners can claim that the pay of the respondent had been wrongly fixed. It may be a different thing that he was wrongly granted the promotion overlooking his medical status, but once the respondent has performed his duties at a higher post, neither could a recovery be made from him nor could his pay be refixed just before his superannuation.

7. We, therefore, find to infirmity in the Impugned Order passed by the learned Tribunal.

8. The petition is accordingly, dismissed. The pending application also stands disposed of as infructuous.

NAVIN CHAWLA, J

MADHU JAIN, J

DECEMBER 22, 2025/prg/k/ik