SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPSB/719/2026 Union of India and others --Petitioners **Versus** Shri. Dharmendra Singh Aswal --Respondent **Hon'ble Manoj Kumar Tiwari, A.C.J.** **Hon'ble Subhash Upadhyay, J.** Mr. Rajesh Sharma, learned Standing Counsel for the Union of India / petitioners. 2. None appears for the respondent. 3. This writ petition is directed against judgment and order dated 21.07.2026 rendered by Central Administrative Tribunal, Principal Bench, New Delhi, Circuit sitting at Nainital (Uttarakhand) in O.A. No. 4858/2025. By the said judgment, order of recovery of Rs.3,95,165/- passed against respondent was set-aside and his original application was partly allowed. The relevant extract of impugned judgment is reproduced below:- *"10. The Hon'ble Supreme Court in **State of Punjab & Ors. v. Rafiq Masih (White Washer) & Ors., Thomas Daniel v. State of Kerala & Ors.**, has authoritatively laid down the circumstances in which recovery of excess payment is impermissible. Recovery sought to be effected after retirement, particularly where the employee has neither played any role in the alleged erroneous fixation nor misrepresented any fact, has consistently been held to be inequitable and legally impermissible, except in cases falling within the limited exceptions recognized by law.* *11. In the present case, there is nothing on record to indicate that the applicant obtained the benefit by practicing fraud, misrepresentation, or suppression of material facts. The pay fixation was carried out by the competent authority and continued to remain operative throughout his service. The*

respondents cannot, after permitting the applicant to retire, unilaterally revise his pay fixation and recover the alleged excess amount without complying with the principles of natural justice.

*12. Insofar as the clarification contained in the DAP Order dated **20.05.2024** is concerned, the same may constitute the basis for examining the correctness of the pay fixation. However, such clarification by itself cannot validate an order of recovery passed after retirement without issuance of a show cause notice and without following the due process of law. The respondents were required to first comply with the principles of natural justice before taking any action prejudicial to the applicant.*

*12. Accordingly, the impugned order, **to the extent it directs recovery of the alleged excess payment from the applicant**, hereby quashed and set aside.*

*13. The respondents are directed to refund the amount, if any, already recovered from the applicant within a period of **two months** from the date of receipt of a certified copy of this order. In the event the amount is not refunded within the aforesaid period, the applicant shall be entitled to interest at the prevailing **GPF rate** from the date the refund became due till the date of actual payment.*

14. It is, however, made clear that this Tribunal has not examined the correctness of the pay fixation on merits. Consequently, the respondents shall be at liberty to examine the issue of pay fixation afresh, if so advised, strictly in accordance with law and after affording the applicant due opportunity of hearing. Any fresh decision, if taken, shall be uninfluenced by the observations made in the present order except on the issue of violation of the principles of natural justice and recovery.

*15. The Original Application is accordingly **partly allowed** in the above terms. Pending Miscellaneous Applications, if any, also stand disposed of. There shall be **no order as to costs**."*

4. We are not inclined to interfere with the judgment rendered by learned Tribunal.

5. Learned Tribunal has considered and discussed the matter in great detail and has held that respondent was not responsible in any manner for excess payment which was made to him. It is not the case of petitioners that respondent played fraud upon authorities for

receiving excess payment released in his favour.

6. Thus, Tribunal was justified in applying the law declared by Hon'ble Supreme Court in the case of ***State of Punjab & ors. Vs. Rafiq Masih (White Washer) & ors.*** reported in ***(2015) 4 SCC 334.***

7. For the aforesaid reasons, writ petition fails and is dismissed.

(Subhash Upadhyay, J.) 19.11.2026

(Manoj Kumar Tiwari, A.C.J.) 19.11.2026

SS/PP