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

+ **W.P.(C) 6285/2026 & CM APPL. 30896/2026**

ABHEY KUMAR

.....Petitioner

Through: Mr. Amit Singh Chauhan, Mr. Zafar
Khurshid, Mr. Kuldeep Kasana and
Mr. Ahmad Kamaal, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Harsh Choudhary, CGSC and Mr.
Rajat Mohan Dwivedi, GP for
Respondents

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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08.05.2026

CM APPL. 30896/2026 (for exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 6285/2026

3. This petition has been filed with the following prayers:

"i. Declare Rule 63(1)(ii) of the Central Civil Services (Leave) Rules, 1972, as unconstitutional and ultra vires the Constitution of India, to the extent it permits recovery of amounts not incurred by the Government or authorises recovery resulting in unjust enrichment;

ii. Issue a Writ of Mandamus, Certiorari, or any other appropriate Writ, order, or direction, to declare the excess recovery initiated by the Respondents from the Petitioner illegal and unsustainable in law;

iii. Direct the Respondents to refund the excess amount of INR 31,29,052/- illegally recovered from the Petitioner;

iv. Direct the Respondents to pay interest at the rate of 18% on the excess amount mentioned in prayer clause (ii), starting from the date of deposit, i.e., 19.03.2025;



v. Pass any other order(s) as may be deemed just, fit, and proper in the interest of justice.”

4. We note this petition is filed by a person who was the employee of the Central Government having worked as a Group A Officer.

5. The prayer as sought by the petitioner in this petition need be adjudicated by the Central Administrative Tribunal, [‘CAT’], therefore, we close this writ petition granting liberty to the petitioner to approach the Central Administrative Tribunal, Principal Bench, New Delhi.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

MAY 08, 2026/msh