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

+ **W.P.(C) 9835/2023**

TANMOY BHATTACHARYYA

.....Petitioner

Through: Mr. Indrajeet Singh, Advocate.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Chiranjiv Kumar, Mr. Mukesh Sachdeva, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **28.04.2026**

CM APPL. 27407/2026 (for seeking disposal of the present writ petition)

1. This application seeks disposal of the writ petition in light of the Additional Affidavit filed by Respondent No. 1 i.e., Union of India [“UOI”] on 15th April, 2026. An Additional Affidavit on behalf of Respondent No. 2 i.e., National Brain Research Centre [“NBRC”] has also been handed over across the board by Mr. Chiranjiv Kumar, counsel for NBRC, and the same is also taken on record.

2. In view of the aforesaid Affidavits, the writ petition itself is taken up for consideration today itself. The instant application stands disposed of, as no separate orders are required to be passed.

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3. The present petition impugns order dated 23rd February, 2023 (incorrectly typed as 23rd February, 2022), along with subsequent



communications, whereby recovery has been directed from the salary of the Petitioner on account of alleged excess payments relating to pensionary benefits drawn from his previous employment.

4. This Court, by order dated 27th July, 2023, had directed that the impugned order be kept in abeyance. Both UOI and NBRC have now furnished Additional Affidavits before this Court.

5. The Affidavit filed by UOI reads as follows:

“3. That it is stated that the respondent no.1 has taken the following clarification from the Department of Science and Technology (DST), Govt. of India, New Delhi, which is as under :-

No deduction on account of pensionary benefits drawn by the absorptionist for the period of service under the Government is to be made from the pay drawn in the Autonomous Body/Public sector undertaking.

Therefore the respondent no.1 would also take the same stand in the matter of pay fixation as DST has taken necessary clarification from the Department of Pension and Pensions Welfares on the pension not to be reduced from the basic pay at the time of fixation of pay.

4. That it is further stated that the clarification received in case of ARCI, Hyderabad are true and correct.”

6. Likewise, NBRC has also handed over an Affidavit, which has been taken on record, and the same reads as follows:

“3. That it is stated that the respondent no.1 has taken the following clarification from the Department of Science and Technology (DST), Govt. of India, New Delhi, which is as under :-

No deduction on account of pensionary benefits drawn by the absorptionist for the period of service under the Government is to be made from the pay drawn in the Autonomous Body/Public sector undertaking.

And thereafter, the respondent no.1 has filed its affidavit in the Hon'ble court and has stated the following averments :-

“Therefore the respondent no.1 would also take the same stand in the matter of pay fixation as DST has taken necessary clarification from the Department of Pension and Pensions Welfares on the pension not to be reduced from the basic pay at the time of fixation of pay.

4. That it is further stated that the clarification received in case of ARCI,



Hyderabad are true and correct."

4. ***That considering the above submissions made by the respondent no. 1, the respondent no.2 would also take the same stand in the matter of pay fixation as DST has taken necessary clarification from the Department of Pension and Pensions Welfares on the pension not to be reduced from the basic pay at the time of fixation of pay."***

7. From the aforesaid Affidavits, it emerges that in view of the clarification received from the competent authorities, no deduction is required to be made from the salary of the Petitioner on account of pensionary benefits drawn from his previous employment.

8. In view of the above, the basis of the impugned orders does not survive. Accordingly, the present petition is disposed of, binding the Respondents to the stand taken in their Additional Affidavits.

9. Consequently, the impugned orders dated 23rd February, 2023, 27th February, 2023, 20th March, 2023 and 22nd March, 2023 are set aside. Any amount recovered from the Petitioner shall be refunded within a period of eight weeks from today, along with interest @ 6% per annum from the date of deduction till the date of re-payment, and all consequential benefits. A detailed calculation of the refunded amount shall be furnished to the Petitioner.

10. The petition, along with all pending application(s), stands disposed of in the above terms.

11. The next date of hearing i.e. 30th September, 2026, stands cancelled.

SANJEEV NARULA, J

APRIL 28, 2026

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