

(2022) 11 DEL CK 0089

In the Delhi High Court

Case No : Civil Writ Petition No. 15615 Of 2022, Civil Miscellaneous Application
No. 48616-18 Of 2022

New Delhi Municipal Council

APPELLANT

Vs

Arvind Kumar Gautam And Ors.

RESPONDENT

Date of Decision : 14-11-2022

Acts Referred:

Citation : (2022) 11 DEL CK 0089

Hon'ble Judges : Sanjeev Sachdeva, J;Tushar Rao Gedela, J

Bench : Division Bench

Advocate : Kanika Agnihotri, Vaibhav Agnihotri, Srivats Kaushal, Vatsala C.
Chaturvedi, PLuneet Rathi, Rashmi Chopra

Final Decision : Disposed Of

Judgement

Sanjeev Sachdeva, J

1. Petitioner impugns order dated 28.10.2022 whereby a direction has been issued to the petitioner to pay the deducted amount to the respondents.
2. It is noticed that the impugned order is not available on the record and a blank sheet has been placed in place of the impugned order. The impugned order has been handed over today in Court. The same is taken on record.
3. Learned counsel for the petitioner submits that certain excess payment have been made to the respondents during his service which was liable to be recovered from him and instead of recovery at the time of his retirement, deductions were made from his retiral benefits and said amount is not liable to be paid to the respondents.
4. Learned counsel for the petitioner further submits that the amount deducted shall be deposited with the Tribunal without prejudice to the rights and contentions of the parties and subject to orders of the Tribunal.
5. Learned counsel for the respondents disputes the same. He submits that there

was a specific direction to the petitioner not to deduct any amount and despite the same, amount has been deducted and as such Tribunal was constrained to pass an order to pay the amount.

6. Be that as it may, we dispose of this petition with a direction to the petitioner to deposit the entire amount as directed by the Tribunal within a period of one week from today. On deposit of the same, it would be open to the Tribunal to consider the request of the respondents for expeditious disbursement of the amount in accordance with law.

7. On deposit of the amount, the Tribunal shall dispose of the contempt petition and the contention of the petitioner that the amount is not liable to be paid to the respondents and that of the respondent that the amount is liable to be disbursed to the respondent forthwith, be considered in the Original Application on merits.

8. The prayer of the respondent for expeditious disposal of the O.A be also considered by the Tribunal.

9. Learned counsel for the petitioner assures that the reply to the Original Application shall positively be filed on the record of the Tribunal within two weeks from today. Rejoinder, if any, be filed within two weeks.

10. The petition is disposed of in the above terms.

11. Order dasti under signatures of the Court Master.