

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 143-144 OF 2020
(@ SLP (CIVIL) NOS. 22514-22515 OF 2015)

MEWA LAL & ORS. .. Appellant (s)

Versus

UNION OF INDIA & ORS. .. Respondent(s)

O R D E R

Leave granted.

The Appellants filed O.A. before the Central Administrative Tribunal, Principal Bench, New Delhi ('the Tribunal') challenging the rejection of their request by Respondent Nos.1 to 3 for grant of revised scale of pay of Rs.1640-2900, which was being given to the Assistants working in the Central Secretariat Service on the principle of equal pay for equal work. The Tribunal allowed the OA and granted relief to the Appellants.

During the pendency of the writ petition filed by the Respondents, the judgment of the Tribunal was implemented and the Appellants continued to get the benefit of the judgment of the Tribunal. The writ petition was dismissed twice for non-prosecution, and it

was subsequently restored and the same was finally dismissed on 29.11.2010. The review petition filed by the Respondents was allowed. There was a direction that the payments made pursuant to the judgment of the Tribunal should be recovered from the Appellants.

Learned counsel appearing for the Appellants submits that the Appellants have retired from service on attaining the age of superannuation. No submission is made on the merits of the impugned judgment of the High Court dated 19.7.2013. The only point raised is that the recoveries that are sought to be made pursuant to the impugned judgment would be unjust, especially, after the retirement of the Appellants.

Mr. D.N. Goburdhun, learned counsel appearing for the Union of India submits that the judgment of the High Court directing recovery is in accordance with law as the Appellants were not entitled to receive the benefits as directed by the Tribunal. He further submitted that there is a likelihood that a large number of persons might make the same claim and it would be a huge burden on the ex-chequer.

After considering the submissions made on behalf of the Appellants and the Respondents, we are of the considered view that the respondents are not justified

in making the recovery of amounts paid to the appellants, especially after their retirement.

In the peculiar facts and circumstances of these cases, we are not inclined to interfere with the decision of the High Court on merits. However, the direction issued for making the recoveries is set aside.

The Appeals stand disposed of accordingly.

.....J.
(L. NAGESWARA RAO)

.....J.
(HEMANT GUPTA)

New Delhi,
Dated: January 9, 2020

ITEM NO.20

COURT NO.9

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal(C) No(s).22514-22515/2015

(Arising out of impugned final judgment and order dated 19-07-2013 in WP No.4031/1999 13-12-2013 in RP No.638/2013 passed by the High Court Of Delhi At New Delhi)

MEWA LAL & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date : 09-01-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Dr. Ashwani Bhardwaj, AOR
Ms. Vinay Bhardwaj, Adv.
Mr. Akhil Sharma, Adv.
Ms. Kavita Rawat, Adv.

For Respondent(s) Mr. D.N.Goburdhun, Adv.
Ms. Vaishali Verma, Adv.
Ms. Nidhi Khanna, Adv.
Mr. S.K.Gupta, Adv.
Ms. Priya Mishra, Adv.
Mr. B.V. Balram Das, Adv.
Mr. B.Krishna Prasad, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeals stand disposed of in terms of the Signed order.

Pending application(s), if any, shall stand disposed
of.

(GEETA AHUJA)
COURT MASTER (SH)

(ANAND PRAKASH)
BRANCH OFFICER

(The Signed Order is placed on the file)