



2026:DHC:2883-DB



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

+ W.P.(C) 2997/2026, CM APPL. 14470/2026, CM APPL. 14471/2026, CM APPL. 21716/2026, CM APPL. 21717/2026, CM APPL. 21718/2026, CM APPL. 21719/2026 & CM APPL. 21720/2026

GOVT OF NCT OF DELHI AND ORS .....Petitioners  
Through: Mr Yeeshu Jain, ASC, Ms Jyoti Tyagi, Mr Sachin Garg and Ms Vishruti Pandey, Advs.

versus

SURESH KUMAR RAJPUT .....Respondent  
Through: Mr. Harish Kumar Karwal and Mr. Dhurendra Singh, Advs.

**CORAM:**  
**HON'BLE MR. JUSTICE C. HARI SHANKAR**  
**HON'BLE MR. JUSTICE OM PRAKASH SHUKLA**

**ORDER (ORAL)**

% **06.04.2026**

**C. HARI SHANKAR, J.**

**W.P.(C) 2997/2026 & CM APPL. 21716/2026**

1. This writ petition is directed against order dated 11 November 2025 passed by the Central Administrative Tribunal in OA 2183/2024 and OA 804/2025. However, the challenge is essentially to the order passed in OA 2183/2024.

2. OA 2183/2024 was directed against the action of the petitioners in discontinuing payment of certain allowances which were being paid to the respondent consequent to the decision of the Principal Secretary



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of the petitioners taken on 4 April 2022.

3. Consequent thereon, the petitioners also proceeded to effect recoveries from the respondent.

4. The Tribunal has held that recoveries could not be made and, insofar as the decision to revisit the respondent's entitlements are concerned, the petitioners have been given an opportunity to issue a notice to the respondent, afford him a chance to respond thereto and thereafter reconsider the decision.

5. So far as the aspect of recovery is concerned, the respondent is clearly not at fault in the payments which were made to him which were taken in accordance with the decision of the Principal Secretary of the petitioner who is the highest hierarchical executive authority.

6. The judgment of the Supreme Court in *State of Punjab v. Rafiq Masih*<sup>1</sup>, in para 18, while enumerating the instances in which recovery would not be permissible, has also allowed the Court to set aside recoveries in deserving instances other than those specifically enumerated in the said paragraph.

7. We are clear that, as the decision to pay the respondent was in accordance with the decision of the Principal Secretary, any recoveries from the respondent at this stage would be completely inequitable and unjust.

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<sup>1</sup> (2015) 4 SCC 334



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8. We hold accordingly.
9. Insofar as the aspect of revisiting the respondent's entitlements are concerned, in view of the liberty already granted by the Tribunal, Mr. Yeeshu Jain, learned CGSC for the petitioners submits that his client would act in accordance with the said liberty and afford an opportunity to the respondent before taking any action on the respondent's entitlement.
10. In that view of the matter, no further orders are required to be passed in this writ petition, which is accordingly disposed of.
11. Needless to say, should the respondent continue to be aggrieved by any decision taken by the respondent in accordance with the order passed by the Tribunal, the right of the respondent in law shall remain reserved.
12. All pending miscellaneous applications also stand disposed of.

**C. HARI SHANKAR, J.**

**OM PRAKASH SHUKLA, J.**

**APRIL 6, 2026/dsn**