



2025:DHC:11128-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12560/2024 & CM APPL. 52230/2024**

**PARMAR NARAN BHAI
RUPA BHAI & ORS.**

.....Petitioners

Through: Mr. Abhay Kumar Bhargava,
Mr. Satyaarth Sinha and Ms. Shradha
Mewati, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Syed Abdul Haseeb, CGSC
Mr. Jitendra Gautam, CRPF/RAF

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER (ORAL)

% **09.12.2025**

C. HARI SHANKAR, J.

1. This writ petition is directed against order dated 9 August 2024 issued on the basis of an audit objection whereunder various amounts were directed to be recovered from the petitioners as having been overpaid to them during the year 2015-18.

2. The recovery is in the teeth of categories (i) and (iii) of para 18 of the judgment of the Supreme Court in *State of Punjab v. Rafiq*



Masih¹ which proscribes recoveries from Group C and Group D employees and further proscribes recoveries in excess of payments made in excess of five years prior to the date of order of recovery. On both these counts, the impugned recoveries cannot sustain.

3. The only two circumstances in which the rigour of para 18 of **Rafiq Masih** does not apply are set out in the subsequent decisions in **High Court of Punjab & Haryana v. Jagdev Singh**² and **Thomas Daniel v. State of Kerala**³. They are if, at the time when the excess payments were made, an undertaking was taken from the employee concerned, agreeing to pay back any excess payments if they were found to be in excess later, or where the employee concerned was herself, or himself, complicit in ensuring that excess payments were made to her, or him. Neither of these circumstances applies.

4. We have granted relief in similar circumstances, *inter alia*, in **National Institute of Rural Development & Panchayati Raj v. K.N. Sati**⁴ and **Union of India v. Heera Lal Kundra**⁵.

5. Following the said decisions, the impugned order dated 9 August 2024 is quashed and set aside.

6. The amount recovered from the petitioners, if any, would be repaid to them within a period of four weeks from today, failing which

¹ (2015) 4 SCC 334

² (2016) 14 SCC 267

³ 2022 SCC OnLine SC 536

⁴ 2025 SCC OnLine Del 1179

⁵ 2025 SCC OnLine Del 210



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the amount would carry interest at the rate of 12% per annum till the date of payment.

C. HARI SHANKAR, J

OM PRAKASH SHUKLA, J

DECEMBER 9, 2025/AR