



2025:DHC:1686-DB



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 17.03.2025***

+ W.P.(C) 3249/2025  
UNION OF INDIA & ORS. ....Petitioners  
Through: Mr.Rajkumar, CGSC

versus

GOKAL CHAND KOSILA ....Respondent  
Through: None.

**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA  
HON'BLE MS. JUSTICE RENU BHATNAGAR****ORDER**

% **17.03.2025**  
**CM APPL. 15287/2025 (Exemption)**

1. Allowed, subject to all just exceptions.

**W.P.(C) 3249/2025 & CM APPL. 15286/2025**

2. This petition has been filed by the petitioners, challenging the Order dated 29.08.2024 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'learned Tribunal') in Original Application no.956/2017 (O.A) titled ***Gokul Chand Kosila v. Union of India & Ors..***

3. The learned Tribunal allowed the O.A. filed by the respondent herein, quashing and setting aside the Orders dated 20.08.2015 and 23.12.2015 issued by the petitioners. The learned Tribunal further directed the petitioners to restore the pay of the respondent as per the Order dated 17.12.2002, along with all consequential benefits,





of the respondent. He submits that as the pay of the respondent had been fixed by an administrative error, the petitioners were entitled to correct the same.

7. We have considered the submissions made by the learned counsel for the petitioners, however, find no merit in the same.

8. In the present case, admittedly, the petitioners had fixed the pay of the respondent without any misrepresentation or fault on the part of the respondent, *vide* Order dated 17.12.2002. The said benefit was sought to be taken away just prior to the superannuation of the respondent, *vide* the Impugned Order dated 20.08.2015. The learned Tribunal has placed reliance on Rule 7.3.2 of the Civil Accounts Manual for the Head of Department (HOD) and Pay and Accounts Officer, as also the above referred Judgments to hold that the pay which has been fixed for the respondent cannot be re-fixed just before his superannuation. We do not find any error committed by the learned Tribunal in the Impugned Order.

9. The petition along with the application is accordingly dismissed.

**NAVIN CHAWLA, J**

**RENU BHATNAGAR, J**

**MARCH 17, 2025**

**RN/DG**

*Click here to check corrigendum, if any*