

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Civil Writ Petition No. 1923 of 2015(O&M)

Date of Decision: October 29 , 2015.

Asha Khanna

..... PETITIONER (s)

Versus

State of Punjab and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Dhiraj Chawla, Advocate
for the petitioner.

Mrs. Monica Chhibber Sharma, DAG, Punjab.

Mr. Mahesh Dheer, Advocate
for respondent No.4.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

Short reply on behalf of respondent No.4 alongwith Annexures R4/1 and R4/2 has been filed in Court today with a copy thereof to learned counsel for the petitioner. Same is taken on record subject to all just exceptions.

Prayer in this writ petition is for setting aside the action of respondent No.4 in recovering an amount of ₹46,200/- from the monthly pension of the petitioner for the period July 2013 till November 2014 without any notice especially on the ground that the petitioner did not misrepresent any fact which led to credit of excess amount of ₹44,756/-.

It is submitted that the excess amount was credited on account of old age pension and LTC for the period 01.10.2009 to June 2013 to which the petitioner was admittedly not entitled to.

Learned counsel for respondent No.4 while referring to Annexure R4/1 alongwith the short reply submits that the matter has, in fact, been settled between the parties. Petitioner has agreed that the excess amount to which she is not entitled be recovered. However, the excess amount which was wrongly recovered from her on the abovesaid count be credited to her account. Said amount of ₹6,300/- stands credited in the petitioner's account.

Learned counsel for the petitioner does not dispute the aforesaid factual position. He however submits that petitioner's claim of ₹29,120/- on account of difference of commutation of pension has not been decided by the authorities.

Keeping in view the settlement between the parties, facts and circumstances of the case, present writ petition is disposed of with a direction to respondent No.4 to consider the claim of petitioner in respect to difference of commutation of pension as claimed by her vide representation dated 18.12.2014, Annexure P9. Said representation be decided by the competent authority expeditiously by passing a speaking order, preferably within a period of two months from the date of receipt of a certified copy of this order.

It is clarified that there is no expression of opinion on the merits of the petitioner's abovesaid claim.

October 29 , 2015.
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(LISA GILL)
JUDGE