

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY
WRIT PETITION No.26529 OF 2014

ORDER:

This writ petition is filed under Article 226 of the Constitution of India to declare that the action of the respondent in recovering an amount of Rs.10,000/- per month from the petitioner's pension declare the same as illegal and arbitrary and violative of Article 14 & 21 of Constitution of India.

2) It is the case of the petitioner, in brief, that he served in the Army and after retirement he joined in Hindustan Aeronautics Limited, Bangalore. But the SBH, Centralised Pension Processing Cell erroneously calculated his pension and paid arrears twice i.e., firstly on 14.07.2009 for Rs.2,98,556/- and secondly on 03.10.2009 for Rs.2,92,299/-. The pension payable to the petitioner was only Rs.16,405/- in the month of June, 2009 and it was increased to Rs.31,354/- in the month of July, 2009 all of a sudden, which resulted in 100% increase in pension. However, the respondent noticed that there was a mistake in calculation and paid Rs.17,36,753/- in excess to what the petitioner is entitled and therefore started recovery without any notice but with consent. Recovery of such huge amount without notice is illegal and filed the writ petition to set-aside the same.

3) In fact the petitioner has submitted in para No.3 of the writ affidavit that he gave consent for Rs.5,000/- per month subject to review and reconsideration.

4) However, learned standing counsel for the respondent submitted that the respondent will issue fresh notice to recover the amount as per law.

5) Recording the submission made by the learned counsel for respondent, respondent is permitted to issue fresh notice and initiate proceedings to recover in accordance with law, if permissible.

6) The Writ Petition is disposed of, accordingly. No order as to costs.

7) Miscellaneous petitions, if any, pending in the writ petition shall stand closed.

M. SATYANARAYANA MURTHY, J

Dt.26-04-2016

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