IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.10843 of 2016(O&M)
Date of Decision: May 27, 2016

Manager, State Bank of India, Haripur Branch ....Petitioner

versus

Primila Rani and others .....Respondents

CORAM:HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE A.B.CHAUDHARI.

Present: Mr.Mahesh Dheer, Advocate, for the petitioner.

-.-

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?

Surya Kant, J. (Oral)

State Bank of India, Haripur Branch, Amritsar, has laid challenge to the order dated 17.12.2015 passed by the Central Administrative Tribunal, Chandigarh Bench whereby the petitioner-Bank though has been permitted to effect recovery of excess amount paid towards pension to the first respondent but the monthly installment of such recovery has been reduced from Rs.2000/- per month to Rs.250/- per month.

The facts are broadly admitted. The husband of first respondent retired from Indian Railways as a Highly Skilled Fitter Grade-II on 31.07.2000. At the time of his retirement, he was earning the basic pay of Rs.4690/-. He was granted pension w.e.f. 01.08.2000 and his basic pension was fixed at Rs.2345/- and family pension at Rs.1410/- with commutation value of Rs.938/- per month. On acceptance of the recommendations of 6th Pay Commission, his PPO was revised on 29.11.2013 thereby enhancing his basic pension from Rs.2345/- to Rs.5301/- per month. Similarly, other components were also proportionately increased. The retiree unfortunately passed away on 14.11.2001. The first respondent was then sanctioned family pension which she is regularly drawing. The petitioner-Bank suddenly started deducting Rs.2000/- per month from her pension on account of alleged over-payment made to her. This action of the Bank prompted the first respondent to approach the Tribunal which has vide the impugned order observed that the Bank is entitled to recover the over-payment of Rs.2,22,370/- but since substantial recovery has already been made, the monthly installment of recovery deserves to be reduced from Rs.2000/- to Rs.250/- per month, for the total family pension drawn by the first respondent is Rs.7000/- per month only.

We have heard learned counsel for the petitioner who contends that atleast 1/3rd of the pension amount ought to have been permitted to be deducted. We are, however, not impressed by the contention. Owing to the family background of the first respondent who is more than 70 years old, it is difficult to accept that she was aware of the excess payment made to her. The sustenance of her family fully depends on the family pension. In these days of high prices, if Rs.2000/- is allowed to be deducted from her family pension, it will be very difficult for respondent No.1 to survive. The discretion exercised by the Tribunal thus calls for no interference by us.

Dismissed.

[SURYA KANT]
JUDGE

May 27, 2016
mohinder

[A.B.CHAUDHARI]
JUDGE