

SR. No. 219

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 13026 OF 2014

Date of decision: 22.04.2016

Angoori Devi

.....Petitioner

versus

The C.I.C. and others

.....Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Pardeep Kumar, Advocate
for the petitioner.

Mr. Atul Mahajan, Advocate
for respondents No. 2 to 5.

Rakesh Kumar Jain, J.(Oral)

On 24.03.2015, the following Order was passed by this

Court:-

*“Counsel for the respondents seeks
more time to file reply.*

*Counsel for the petitioner states
that actually the crux of the matter is that
the respondent-bank has made certain
deductions from the widow pension of the
petitioner and for the last $\frac{3}{4}$ years, the
petitioner has been running from pillar to
post to find out why this deduction has
been made and the respondent-bank has
been stonewalling the same despite there
being orders of the Appellate Authority as
well as the Central Information
Commissioner. Counsel for the petitioner
states that the petitioner would be
satisfied if other reasons are not given but*

the information at item No. 2 be given to her.

In the circumstances, even while granting one more opportunity to respondents No. 2 to 5 to file reply, it is made clear that prima facie there seems to be no reason why the information sought should be denied. Consequently, in case respondents NO. 2 to 5 want to contest the petition, they are put to notice that if the petitioner is found to be justified they would be burdened with exemplary costs.

Adjourned to 28.5.2015. Copy of this order be given dasti to counsel for the respondents under the signatures of the Bench Secretary.”

Respondent has filed reply in which the following averments have been made:-

“2. That the contents of para no. 2 are wrong, misconceived and hence denied. As already submitted above and in terms of the above mentioned letter dated 3.3.2012 sent to the petitioner in response to her undated letter received by the answering respondents, the amount was rightly deducted from the pension account as excess payment of pension was made by the answering respondents by mistake. It is submitted here that as per the Family Pension Payment Order issued by the office of Accountant General(A&E) Haryana. The Family Pension-I payable to the petitioner was Rs. 3442/- for seven

*years from 29.12.1998 i.e. upto 28.12.2015 and thereafter, Family Pension-II was payable i.e. Rs. 2310/-. However, inadvertently the petitioner was paid pension at the same rate i.e. Rs. 3442/- even after the specified period of seven years i.e. even after 28.12.2005. It is submitted that when this mistake was detected it was immediately intimated to the petitioner and her son, Sh. Sanjeev Kumar and clearly explained verbally to them that an error has been made in releasing the pension to her and she was duly informed that the excess payment made to her would be deducted in instalments from the future payments of pension. It is further most relevant to submit here that the petitioner fully understood the import of the message conveyed by the answering respondents and agreed to it and gave her verbal consent for the future deduction from the pension. Thus it is a matter of surprise that she chose to approach the authorities under the Right to Information Act and has now preferred the present with petition in this Hon'ble Court against the action of the answering respondents in this regard and the present writ petition being wholly false and frivolous deserves to be dismissed with heavy costs. Copies of the Family Pension Payment Order Part-I and Part-II are attached herewith as **Annexures R-6 and R-7**. The chart showing the excess*

*payment made to the petitioner which had duly handed to her is annexed herewith as **Annexure R-8**. It is further submitted that the petitioner had given undertakings dated 12.10.1999 and dated 03.08.2001 to the effect that she agreed and undertook to refund and made good any amount to which she was not entitled or any amount which may be credited to her account in excess of the amount to which she is or would be entitled, copies of which are annexed herewith as **Annexures R-9 and R-10**.”*

Counsel for the petitioner has submitted that the respondent has given this information only in this Court and no information was given before the authorities under the Right to Information Act, 2005.

Be that as it may, the fact remains that the information sought by the petitioner has been given '*as to why Widow Pension has been deducted by the respondent*'. Once the information has been given, much less disclosed in the written statement as stated above, no cause of action survives in this petition. Therefore, this petition is dismissed.

22nd April, 2016
Shivani Kaushik

[Rakesh Kumar Jain]
Judge