

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.22956 of 2014

Date of decision: 6.5.2016

Janak Dhingra

... Petitioner

Versus

State of Punjab & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. YM Bhagirath, Advocate,
for the petitioner.

Mr. Vaibhav Sharma, DAG, Punjab.

Mr. DK Singal, Advocate,
for respondent No.4.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

This matter is covered by the decision of the Division Bench of this Court delivered on January 20, 2004 in CWP No.891 of 2003, in case titled 'Mukhtiar Singh & Ors. v. State of Punjab & Ors.'. According to the instructions issued by the State Government dearness allowance is not payable on family pension in case employment has been provided to a dependent family member of the deceased employee who dies in harness. The Division Bench held the claim of the petitioners in *Mukhtiar Singh's case* misconceived so far as claim for dearness allowance on family pension is concerned. However, the Court interfered with the orders of the Government making deduction from pension of the amounts of dearness allowance paid. This recovery could not be made and the

Division Bench relied upon the decision in Sahib Ram v. The State of

Haryana & Ors., 1994(5) SLR 753. In terms of the orders passed by the Division Bench, the amounts of dearness allowance recovered have to be refunded to the petitioner. However, in future dearness allowance will not be paid as part of the family pension. These orders protect recovery alone. The recovered amount be now refunded to the petitioner within three months from the date of receipt of a certified copy of this order by 1st and 2nd respondents through the 4th respondent-Bank where the account of the subscriber is maintained for the purposes of drawing pension.

The petition stands disposed of with the aforesaid directions.

(RAJIV NARAIN RAINA)
JUDGE

6.5.2016
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