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

**CWP No. 12860 of 2018
Date of Decision : 04.12.2018**

Saroj Kumari

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Surinder Garg, Advocate for the petitioner.

Mr. Sandeep Vermani, Additional Advocate General, Punjab.

Mr. Jasdeep S. Toor, Advocate for respondent No. 5.

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<u>Harsimran Singh Sethi, J.(Oral)</u>

In the present writ petition, the petitioner is challenging the order dated 04.01.2017 (Annexure P-6) vide which recovery of Rs. 79,788/- has been done from the retiral benefits of the husband of the petitioner, which is in violation of the order dated 16.09.2016 passed in CWP No. 1834 of 2011 titled ***Sarwan Kumar Sahota Vs. State of Punjab and others.***

The factual matrix which led to the passing of the impugned order is that the husband of the petitioner was appointed as an Executive Officer on 23.08.1978. He remained posted in different Municipal Councils and ultimately retired as Executive Officer Grade-I on 30.04.2004.

In the year 1994, a Pension Scheme was started by the State of Punjab for the employees working in the Department of Local Government known as Punjab Municipal Employees Pension and General Provident Fund Rules, 1994 (hereinafter referred to as 'Rules of 1994'). The same was to be made applicable w.e.f. 01.04.1990. The employees, who were already working, had to opt for the said Rules of 1994 within a period of four months of the formulation.

At the time when the husband of the petitioner retired on 30.04.2004, it transpired that Municipal Council, where the husband of petitioner remained posted, did not deposit the contribution which was recovered from the benefits of the husband of the petitioner. A sum of ₹3,95,472/- was deducted from the pensionary benefits of the husband of the petitioner. This order was challenged by the husband of the petitioner by filing CWP No. 1834 of 2011, which was decided on 16.09.2016 directing that the husband of the petitioner is liable to pay the contribution for the period from 01.02.1994 till 07.03.1996 and then again from 06.06.1996 to 19.06.1997 along with 18% interest and the balance amount so arrived at out of ₹3,95,472/-, for which the husband of the petitioner is entitled for, will be refunded back to him.

While implementing the said order, the respondents passed an order on 04.01.2017 (Annexure P-6), wherein the respondents refunded the petitioner a sum of ₹2,92,232/- out of the deducted amount of ₹3,95,472/-. The description of the amount, which was recovered, has been given in the said order. The petitioner contends that by the above said order, ₹79,788/- which has been recovered at interest, should not have been recovered and, therefore, the present order is under challenge in the present writ petition.

A reply has been filed on behalf of the respondents in which the respondents have mentioned that while implementing the order passed by this Court in CWP No. 1834 of 2011 dated 16.09.2016, the detailed calculations were done. This Court had already directed that the amount, which is to be deposited by the petitioner, is to carry 18% interest and, therefore, after calculating the interest recoverable from the petitioner, the remaining amount has been paid and the calculation is perfectly valid and legal.

I have heard learned counsel(s) for the parties and have gone through the record.

A bare perusal of the impugned order dated 04.01.2017 (Annexure P-6) would show the due calculation for each and every amount, for which the petitioner was made liable, were to be deposited as per the order dated 16.09.2016. It has been duly mentioned that a sum of ₹79,788/- has been found recoverable on account of interest. The pension contribution has already been included in the said due amount. Therefore, deducting ₹79,788/- is valid and in accordance with the directions passed by this Court vide order dated 16.09.2016.

Learned counsel for the petitioner states that the Court was not informed about the said deduction at the time of passing of this order.

In view of the aforesaid facts and circumstances, I am of the view that once a direction was given to the husband of the petitioner to pay his contribution alongwith interest and the direction was given to the respondents to calculate the same, the calculation has been done properly by the respondents for which the petitioner cannot raise any grievance.

In view of the above, there is no reason to interfere with the impugned order dated 04.01.2017 (Annexure P-6).

The writ petition is, accordingly, dismissed.

December 04, 2018 **(HARSIMRAN SINGH SETHI)**
kanchan **JUDGE**

Whether speaking/reasoned? *Yes/No*
Whether reportable? *Yes/No*