

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.14675 of 2017
Date of Decision:11.05.2018

Lajwanti and others

..... Petitioners

Vs.

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Gautam Kaile, Advocate,
for the petitioners.

Mr.Saurabh Mohunta, DAG, Haryana.

RAKESH KUMAR JAIN, J.

The petitioners are aggrieved against the letters/orders dated 7.4.2017 by which they have been directed to repay the destitute pension along with 12% interest.

In brief, the State of Haryana has issued a policy/notification bearing No.786-SW(I)-84 dated 6.2.1984 for grant of allowances to the unsupported ladies and destitute children. According to the petitioners, the earning hands of their families were in jail in a case registered vide FIR No.35 dated 27.4.2010 under Sections 148/304(1)/149/324/323 of the IPC at P.S. Rajound, Kaithal. The State of Haryana granted allowances to the petitioners while their bread winners were in jail from 1.5.2010 to 11.8.2010 and from 15.6.2011 to 8.8.2013 but a complaint was received on CM window that their bread winners had come out of jail on bail and started living in the village, therefore, they were no more destitute. The Government of India issued another notification bearing No.459-SW(4)-2011 dated

10.6.2011 substituting the para relating to “Mode of Payment” noticing the provision (e) that any benefits received under the scheme by suppressing true information or making wrong claim would be recovered as arrears of land revenue with 12% interest per annum. The petitioners were thus served with the notices which are under challenge.

Learned counsel for the petitioners has submitted that the respondents be directed not to charge at least the interest from the petitioners but did not deny that their bread winners have joined them after they were released on bail and as such they were no more destitute and were not entitled to the pension.

In reply, learned counsel for the respondents has submitted that the interest is being charged in accordance with the provisions of the notification dated 10.6.2011.

After hearing learned counsel for the parties, I am of the considered opinion that there is no merit in the present petition as there is no error on the part of the respondents for seeking recovery of the pension which has been illegally obtained, i.e. without being eligible, by the petitioners and are thus liable to refund it and insofar as the component of interest is concerned, it is the part of the notification dated 10.6.2011. Thus, there is hardly any scope for interference in this petition.

Dismissed.

(RAKESH KUMAR JAIN)
JUDGE

11.05.2018

Vivek

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No