

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 29575 of 2018
Date of Decision : 22.11.2018

Smt. Baljinder Kaur

...Petitioner

Versus

The Punjab State Power Corporation Limited, Patiala and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Paramjit Singh Goraya, Advocate for the petitioner.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition the petitioner has prayed that the recovery, which is being made from the family pension of the petitioner, be stayed.

Petitioner was granted family pension to the tune of ₹23,600/- per month after the death of her husband, Sh. Satnam Singh. Petitioner continued getting the same and after sometime the respondents found that the petitioner was only entitled for ₹12,600/- instead of ₹23,600/- and, therefore, the respondents directed that excess amount of ₹7,16,098/- needs to be recovered from the petitioner. In this regard, an order was passed by the respondents on 19.07.2018 (Annexure P-2).

Learned counsel for the petitioner contends that after the order dated 19.07.2018 (Annexure P-2), the respondents started recovering an amount of ₹8,000/- out of the reduced family pension of ₹12,600/- and the

petitioner is only left with ₹4,600/- to survive. Learned counsel further states that no reason has been given as to why and on what account the family pension of the petitioner has been reduced. No notice whatsoever was given before the same was reduced and the recovery was ordered. Learned counsel for the petitioner further submits that at this stage, the petitioner will be satisfied in case a time bound direction is given to the respondents to decide the legal notice dated 17.09.2018 (Annexure P-6), wherein, the petitioner has raised all her claims, which have been raised in the present writ petition as well.

Keeping in view the request made by the counsel for the petitioner, the present writ petition is disposed of with a direction to decide the legal notice dated 17.09.2018 (Annexure P-6) by passing a speaking order in accordance with law within a period of two months from the date of receipt of certified copy of this order.

However, it is made clear that this Court expresses no opinion on the merits of the case and the claim made by the petitioner either in the present writ petition or in the legal notice.

The judgments of Hon'ble the Supreme Court is being relied upon by the petitioner in the case of ***State of Punjab and others Vs. Rafiq Masih (White Washer) etc.***, Civil Appeal No. 11527 of 2014, decided on 18.12.2014, be kept in mind.

The petition stands disposed of accordingly.

November 22, 2018
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(HARSIMRAN SINGH SETHI)
JUDGE

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