

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

**LPA No.1281 of 2018 (O&M)
Date of Decision :23.08.2018**

Lajwanti and others

.....Appellants

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Gautam Kaile, Advocate for the appellants.

KRISHNA MURARI, CHIEF JUSTICE (Oral):

This *intra court* appeal, under clause X of the letters patent, has been filed by the appellants-petitioners, is directed against the order dated 11.05.2018, dismissing the writ petition challenging the letters/orders dated 7.4.2017, passed by the State-respondents to recover destitute pension received by them along with 12% interest. It is an admitted case of the petitioners that the benefits of the destitute pension were wrongly withdrawn by them and they were not entitled for the same as the earning hands of their family were released on bail, and thus, they were no more destitute. The matter came to the knowledge of the State authorities, and thus, the direction impugned in the writ petition to recover the same was issued. Even before the learned Single Judge the petitioners did not dispute this fact that their bread winners joined them after they were released on bail and as such they were no more destitute and not entitled to the pension.

The relief pressed before the learned Single Judge was not to charge any interest. However, the interest was charged in accordance with the notification dated 10.06.2011, issued by the Government of India, which provides that if any benefits are received under the scheme by suppressing true information or making wrong claim the amount would be recovered as arrears of land revenue with 12% interest per annum. Keeping in view the aforesaid provisions, the learned Single Judge did not accept even the said prayer. We also do not find any illegality in the same. In terms of the scheme, since the petitioners illegally availed the benefits, they are under an obligation to refund the same along with the interest as prescribed therein. The appeal is thus devoid of merit and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

23.08.2018

Manoj Bhutani

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