

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-23409-2019

Date of decision: - 16.09.2019

Kamal Singh

....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: - Mr. Raj Kumar Bhatia, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

Counsel for the petitioner states that both the petitioner and his wife served in the Department of Education. Petitioner's wife, namely, Smt.Nirmala Devi unfortunately died on 12.08.2001 and after her death, petitioner was given the family pension. Counsel further argues that petitioner, who was also working in the department, superannuated on attaining the age of superannuation on 30.11.2017 and after the retirement, recovery of ₹12,60,804/- was imposed upon the petitioner on the ground that the petitioner has already remarried after the death of his first wife Smt.Nirmala Devi, on whose behalf he was getting the family pension and after remarriage, he was not entitled for the family pension and therefore, the excess amount has been recovered from him.

Counsel for the petitioner further argues that a sum of ₹12,60,804/- has already been deposited by the petitioner in the year

2018, but still, his pensionary benefits in respect of the service rendered by him are not being released by the respondents without any valid justification. Counsel further argues that grant of pensionary benefits for the service rendered by him has no connection with the recovery of the excess amount from him from the family pension, which he was receiving on account of the service rendered by his late wife.

Counsel for the petitioner prays that a direction be issued to the respondents to release the pension for the service which he rendered with the Department of Education from the date he became entitled alongwith interest. Counsel further prays that in case the respondents found that petitioner was found ineligible to get the family pension after remarriage, his three minors daughters are very well covered within the definition of family so as to entitle them for the benefit of family pension, which case has not been considered by the respondents while effecting the recovery of ₹12,60,804/- from the petitioner.

Counsel for the petitioner further states that for the relief which has been sought in the present writ petition, petitioner has served the respondents with a legal notice dated 23.07.2018 (Annexure P-3), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the said legal notice.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner, the respondents are directed to decide the legal notice dated 23.07.2018 (Annexure P-3) by passing a speaking order within a period of three

months from the date of receipt of a certified copy of this order. In case after the decision, it is found that the petitioner is entitled for any monetary benefit, the same shall also be released to him within a period of three months thereafter.

Present writ petition stands disposed of.

September 16, 2019
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No