

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

CWP NO.8280 OF 2020 (O&M)

DATE OF DECISION : 19.06.2020

Kamlesh Rani

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. H. S. Baath, Advocate,
for the petitioner.

Ms. Anu Pal, DAG, Punjab.

(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

The petitioner, a widow, herein seeks issuance of a writ in the nature of certiorari for quashing the order dated 16.05.2020 (Annexure P-2), passed by respondent No.5, whereby directions have been issued to recover the alleged enhanced payment of family pension. Further prayer has been made for issuance of a writ in the nature of mandamus directing the respondents to reimburse an amount of Rs.5,300/- which has been deducted from the family pension of the petitioner.

2. Learned counsel for the petitioner contends that respondent No.5- General Manager, State Bank of India, Panchkula Branch, sent a demand notice to the petitioner for recovery of excess amount of family pension to the tune of Rs.5,56,974/- in equal monthly installments of Rs.5,300/- from May- 2020. The said demand notice was duly replied by the petitioner. Notwithstanding, a sum

of Rs.5,300/- has been deducted by respondent No.5-Bank from the petitioner's account. Hence, this petition.

3. In support of his contentions, learned counsel for the petitioner has placed reliance upon a judgment passed by the Apex Court in case titled as "*State of Punjab and others v. Rafiq Masih (White Washer)*" AIR 215 (SC) 696 and submits that the petitioner would be satisfied in case his petition is decided in terms of the judgment (supra).

4. Notice of motion.

5. Ms. Anu Pal, DAG, Punjab, who has joined the proceedings on advance service of copy of petition, accepts notice on behalf of the State of Punjab.

6. Given the nature of order being passed, there is no necessity to seek return by the respondents as no further proceedings and/or pleadings are required.

7. Without commenting on the merits of the case, the writ petition is disposed of with a direction to the competent authority to look into the matter and pass a speaking order, in accordance with law by keeping in view the contentions stated in the present writ petition by treating the same as a representation. The competent authority shall also go through the judgment passed in Rafiq Masih's case (supra) and in the event, it feels that the said judgment is not applicable to the case of petitioner, specific reasons thereof shall be recorded.

8. In the meanwhile, recovery from the family pension of the petitioner shall remain stayed till passing of the speaking order.

9. Let the needful be done within a period of two months from today. Needless to say that if the demand notice for recovery is withdrawn, then the recovery already effected shall be remitted to the petitioner.

10. Disposed of in above terms.

(ARUN MONGA)
JUDGE

18.06.2020
shalini

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No