

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

SUNIL
2020.01.15 10:24
I attest to the accuracy and
authenticity of this document

CWP-10774-2019

Date of Decision: January 10, 2020

MISHRI DEVI

..... Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Manoj Kumar Sood, Advocate for the petitioner.

Ms. Safia Gupta, Asstt. A.G., Haryana.

LISA GILL, J.

This petition has been filed seeking a direction to the respondents to decide legal notice dated 14.01.2019 (Annexure P-3) submitted by the petitioner.

It is submitted that the petitioner is a widow of an ex-serviceman. Family pension was sanctioned during the life time of her husband and in terms of the applicable Rules, the petitioner started receiving the family pension upon death of her husband on 29.01.2008. It is further submitted that old age pension was also admissible to her from the State of Haryana being an old widow, therefore, she started receiving old age pension as well from the State of Haryana with effect from the month of February 2008.

However, on a complaint against the petitioner, the said old age pension was stopped in the month of April 2015 and she was asked to refund the sum of Rs.85,443/-, which was duly deposited by her with the office of District Social Welfare Officer, Bhiwani. Vide legal notice dated 14.01.2019 (Annexure P-3), the petitioner sought a refund of the said amount along with interest @ 18% per annum.

Learned counsel for the petitioner is unable to deny that the said old age pension was released by the State of Haryana as per notification dated 20.09.2006 notifying the 'Old Age Samman Allowance Scheme 2005'. As per Rule 3 prescribing the eligibility criteria, any person who is already in receipt of pension of Rs.300/- per month or more is not entitled to any benefit under this Scheme. Admittedly, the petitioner was in receipt of family pension of more than the said amount, after the death of her husband on 29.01.2008. In this view of the matter, I do not find any ground what-so-ever to grant the relief as prayed for.

Petition is accordingly dismissed with no order as to costs.

10.01.2020

Sunil

(LISA GILL)
JUDGE

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