

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

116)

CWP no.11299 of 2020

Date of Decision: 06.08.2020

Amandeep Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. TPS Tung, Advocate, for the petitioner.

Amol Rattan Singh, J. (Oral)

All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, filed under the provisions of Articles 226 and 227 of the Constitution of India, the petitioner seeks issuance of a writ in the nature of certiorari, quashing the letter Annexure P-1, dated 11.09.2019, vide which the recovery of the allegedly excess pension paid has been ordered, from 01.11.2008 to 31.08.2019, by respondent no.5. She further seeks quashing of the order dated 18.07.2020 (Annexure P5) issued by respondent no.7, and prays that the amount of Rs.1,50,000/- illegally withdrawn by respondents no.5 to 8 from the accounts of the petitioner, be ordered to be deposited back in the accounts.

Mr. Tung, learned counsel for the petitioner, submits that without giving any detailed reasons for doing so, despite the petitioners' representation and reply to the show cause notice dated 11.09.2019, as also

the legal notice dated 23.02.2020, a total recovery of Rs.1,50,000/- has already been made from the petitioner, with the respondents seeking to make a total recovery of Rs.6,52,662/- in terms of the show cause notice (Annexure P-1).

Notice of motion be issued to the respondents.

Mr. Nikhil Chopra, learned Addl. Advocate General, Punjab, accepts notice on behalf of respondents no.1 to 4 and Mr. Vikas Chatrath, Advocate, appears for respondents no.5 to 8 (State Bank of India) and accepts notice on their behalf.

Both, learned counsel for the State, as also the respondent-bank, seek time to file a detailed reply to the petition.

However, having considered the matter at this stage, I see no purpose in continuing with the present petition, because admittedly the petitioner was never heard in person by the respondents and at least so far no detailed reasons have come forth before this court showing as to how the recovery was due from her.

Consequently, this petition is disposed of with a direction to the competent authority amongst the respondents, to give a hearing to the petitioner personally, or through her counsel, within a period of two months from today, after which a detailed speaking order shall be passed by such competent authority, giving therein the entire break up of any amount paid in excess to her, and consequently the reasons for the recovery to be made thereafter.

In the meanwhile, till the passing of the detailed speaking order

and for a period of 10 days thereafter, no further recovery shall be made from the petitioner.

It is also made clear that if it is found after hearing the petitioner/her counsel, that the recovery has been made illegally/erroneously, the recovery already made from her, shall be refunded to her along with interest @ 6% p.a. from the date of such recovery, till its realization by the petitioner.

06.08.2020
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(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No