

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

**CWP No. 16130 of 2020 (O&M)
Date of Decision:05.10.2020**

Gopi Ram

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Sushil Sheoran, Advocate for the petitioner.

TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Petitioner has invoked the extraordinary writ jurisdiction of this Court seeking quashing of recovery notices dated 20.03.2020 (Annexure P-1), reminder dated 18.08.2020 (Annexure P-2) and second reminder dated 10.09.2020 (Annexure P-4) whereby he has been called upon to deposit the pensionary benefits that he had availed of since November 2000 under the Old Age Pension Scheme 1991 and as amended from time to time.

Further a writ of a mandamus is sought directing the respondents to restore the Old Age allowance which has since been stopped w.e.f. October 2019.

During the course of arguments it has gone uncontroverted that as per eligibility criteria under the Old Age Pension Scheme, a person is eligible for the grant of old age allowance who:-

- a) aged 60 years or more;
- b) is a domicile of State of Haryana; and
- c) is not receiving pension of Rs.300/- per month or more.

Pleadings on record would clearly show that after receipt of the recovery notice as also reminders, petitioner himself had submitted an application to the Deputy Commissioner, Bhiwani dated 28.02.2020 stating therein that he had completed the age of 60 years in the year 2011.

Counsel concedes to such application dated 28.02.2020, having been submitted by the petitioner. It is further conceded that in November 2000, when the Old Age Allowance had been started the petitioner was 49 years of age. Eligibility otherwise for grant of Old Age Allowance was for a person who have completed 60 years of age.

It is a case where the petitioner has furnished wrong particulars and has robbed the State Exchequer of a certain amount of money towards Old Age Allowance from November 2000 till the year 2011 when he actually completed the age of 60 years.

Such conduct of the petitioner dis-entitles him from any concession at the hands of the Writ Court.

Confronted with such a situation where this Court was inclined to dismiss the petition, counsel seeks withdrawal of the same.

Dismissed as withdrawn.

(TEJINDER SINGH DHINDSA)
JUDGE

October 05, 2020

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No