

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

**CWP-19998 of 2020 (O&M)
Date of Decision: 25.11.2020.**

Jasmer Kaur

...Petitioner

V/S

State of Punjab & Ors.

....Respondents

CORAM: HON'BLE MR JUSTICE ARUN MONGA

Present : Mr. J.S. Sidhu, Advocate
for the petitioner.

Mr. D.S. Sukarchakia, DAG Punjab.

Mr. Vikas Chatrath, Advocate
For respondent No.2.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

1. Petitioner herein, *inter alia*, seeks writ of *certiorari* to quash impugned recovery notice dated 10.08.2020(Annexure P-1).
2. Petitioner pleads that her husband retired as Veterinary Pharmacist on 30.04.1992. He died on 23.09.2002. After his death, the petitioner was granted benefit of Family pension, as revised from time to time. However, widow was issued recovery/ demand notice dated 10.08.2020, seeking recovery of Rs.3,38,435/- on the ground that pension was wrongly fixed as Rs.4,422/-, instead of Rs.4,212/-.
3. Learned counsel argues that there was no misrepresentation qua fixation of pension by 70 years old widow-petitioner. As such, the recovery proceedings are inconsistent with the dictum of Apex Court in **State of Punjab & Ors. Vs. Rafiq Masih(White Washer) & Ors.**¹ and of this Court in **Budh Ram & Ors. Vs. State of Haryana & Ors.**². He further submits that upon receipt of notice,

¹ Civil Appeal No. 11527 of 2014 decided on 18.12.2014

² 2009(3) PLR 511

petitioner submitted a representation (Annexure P-3), but the same has not been adverted by the respondents till date.

3. Learned counsel for the petitioner, at the outset, submits that petitioner will be satisfied if a direction is issued to the respondents to consider the genuine prayer of the petitioner as has been made in representation (Annexure P-3).

4. Notice of motion.

5. Mr. D.S. Sukarchakia, DAG Punjab, who has joined the proceedings on advance service of copy of petition, accepts notice on behalf of respondent No.1, while Mr. Vikas Chatrath, Advocate has put in appearance on behalf of respondent No.2.

6. In view of restricted prayer of the petitioner, no further pleadings are required. Petition is disposed of with a direction to respondent No. 2 to objectively consider the representation (Annexure P-3) submitted by the petitioner and decide the same by passing a speaking order, in accordance with law, as expeditiously as possible, on receipt of a certified copy of this order.

7. Till orders are passed on the representation (Annexure P-3) by the competent authority, recovery proceedings shall be kept in abeyance.

8. Disposed of in above terms.

November 25, 2020
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(ARUN MONGA)
JUDGE

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