

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(126)

CWP-14025-2021

Date of Decision : July 29, 2021

Jaspal Rai

.. Petitioner

Versus

State of Punjab and others

.. Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gitish Bhardwaj, Advocate, for the petitioner.

Mr. Charanpreet Singh, Assistant Advocate General, Punjab.

Mr. Vikas Chatrath, Advocate,
Mr. Rishav Soni, Advocate and Ms. Mandeep Kaur, Advocate,
for respondent-SBI.

HARSIMRAN SINGH SETHI J. (ORAL)

Present writ petition has been filed for quashing of the notice dated 31.03.2021 (Annexure P-3) by which the respondents have proposed the recovery of sum of Rs.1,74,687/- from the petitioner on the ground that the petitioner was paid the excess pension than his entitlement.

Learned counsel for the petitioner submits that though the petitioner has already filed a detailed reply to the said show cause notice on 07.04.2021, a copy of which has been attached as Annexure P-4, the Department without passing any order after considering the said objections raised by the petitioner, has already started recovery from the pension of the petitioner, which is arbitrary and illegal.

Notice of motion.

Mr. Charanpreet Singh, learned Assistant Advocate General,

Punjab, who has joined the proceedings through video conference, keeping

in view the service of advance copy of petition, accepts notice on behalf of the respondent-State and Mr.Vikas Chatrath, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of respondent-State Bank of India.

Learned counsel for the respondent-Bank submits that there was some communication gap as the reply filed by the petitioner to the show cause notice dated 07.04.2021, was not brought to the notice of the competent authority and hence, the recovery from the pension of the petitioner was started as petitioner did not raised any objection to the action proposed in the show cause notice. Now, as the facts have been cleared, no further recovery will be made from the pension of the petitioner till appropriate orders on the show cause notice dated 31.03.2021 is passed by the competent authority after giving due opportunity of hearing to the petitioner.

Learned counsel for the petitioner submits that above recorded statement of the learned counsel appearing on behalf of respondent-Bank satisfy the grievance of the petitioner as of now.

In case the respondent-Bank finds that no recovery is to be done from the petitioner, while passing order on the show cause notice, the recovery already done from the petitioner be refunded to him within a period of one month from the passing of the said order.

Disposed of.

July 29, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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