

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP No. 18845 of 2020 (O&M)

Date of Decision:07.01.2021

Ashok Kumar Ralhan

.....Petitioner

Versus

State Bank of India and others

..... Respondents

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL**

Present: Ms. Sakshi Doda, Advocate  
for the applicant-petitioner (in CM-55-CWP of 2021).

Ms. Madhu Dayal, Advocate  
for applicant-respondents no.1 and 2 (in CM-175-CWP of  
2021).

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**LISA GILL, J(Oral).**

This matter is being taken up for hearing through video  
conferencing due to outbreak of the pandemic, COVID-19.

**CM-55-CWP of 2021.**

Heard.

For the reasons mentioned in the application was well as the  
arguments addressed, reply dated 26.11.2020, Annexure P-25, is taken on  
record subject to just exceptions.

Application is accordingly disposed of.

**CM-175-CWP of 2021.**

Heard.

For the reasons mentioned in the application was well as the  
arguments addressed, reply filed on behalf of respondents no.1 and 2, is  
taken on record subject to just exceptions.

Application is accordingly disposed of.

**CWP no. 18845 of 2020.**

This writ petition has been filed challenging communication/order dated 06.02.2020 (Annexure P-10), whereby recovery of Rs.8,12,390/- is directed to be made from the petitioner as excess pension and he has been directed to deposit the said amount so that the correct pension can be started w.e.f., February 2020.

Learned counsel for the petitioner argues that apart from such recovery being *dehors* the relevant rules and regulations, not even a notice was issued to the petitioner, before passing the said impugned communication/order dated 06.02.2020, wherein the petitioner's pension has been recalculated and recovery of Rs.8,12,390/-, is sought to be effected from him.

A perusal of written statement filed on behalf of respondents no.1 and 2 reveals that indeed petitioner was not put to notice before recalculation of his pension. Learned counsel for respondents no.1 and 2 vehemently argues that it is the communication dated 06.02.2020 itself, which is the notice in regard to revision of pension to the petitioner. It is contended that petitioner had thereafter sought certain documents for preparation of his representation and submitted his reply. Pursuant thereto, petitioner's written request was considered and it was decided that the petitioner's pension is required to be recalculated. Learned counsel refers to the e-mail dated 26.02.2020 attached as Annexure R1/12 to submit that intimation was sent to the petitioner regarding reduction of his pension.

I have heard learned counsel for the parties and have gone through the file with their assistance.

Impugned communication/ order dated 06.02.2020, Annexure P-10, mentions the subject as 'recovery of excess pension credited in the petitioner's account' and reads as under:-

“With reference to LHO letter no.PPG/Pension/2019-20/220 dtd. 24.01.2020, we wish to advise that, on your retirement on 31.03.2016, your designation was shown as CGM in PPO, while your actual designation was GM which created an anomaly in Pension Calculation. Now your pension has been calculated and fixed as per your actual designation as Rs.35,900/-.

A recovery of Rs. 8,12,390/- is due from your account as excess pension paid. We request you to deposit this recovery amount at earliest, so that your correct pension can be started w.e.f., February 2020.”

It is stated in the preliminary objections in the written statement dated 02.01.2021 that the petitioner was issued a notice to inform that his pension had been recalculated and revised as per his actual designation and further recovery of the amount as mentioned therein was due from him. Documents along with calculation/computation sheet as required by the petitioner was supplied to him. It is stated that petitioner’s representation against revision of his pension was rejected and he was informed vide e-mail dated 26.02.2020. A bare reading of the written statement itself clearly reflects that pension of the petitioner was recalculated and revised without any kind of notice to him. Decision to revise his pension was taken and intimation thereof was conveyed to him. It is indeed unjustified to say that intimation of decision regarding revision of pension is in-fact a notice. There is indeed no question of treating the same to be a show cause notice. Representation submitted by the petitioner against revision of his pension already carried out cannot be termed to be a reply to notice served upon him. The factual matrix of the case clearly reflects complete disregard and violation of principles of natural justice before passing the impugned communication/order dated 06.02.2020.

In this view of the matter, impugned communication/order

dated 06.02.2020, is set aside. However, the respondents are at liberty to take necessary steps, if any/as may be required, in respect to revision of petitioner’s pension in accordance with provisions of law after affording due and proper opportunity of hearing to the petitioner. Needless to say, there is no expression of opinion on the merits of the matter.

Writ petition along with pending applications, if any, is accordingly disposed of.

07.01.2021  
s.khan

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

[LISA GILL]  
Judge