

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

120

CWP-3256-2021 (O&M)

Date of Decision : 19.12.2023

Anjali Negi

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.R.D.Bawa, Advocate
Mr. Samuel Gill, Advocate
Mr.Randhir Bawa, Advocate
for the petitioner.

Mr. Shivoy Dhir, Sr.Panel Counsel
for respondents No.1 to 4.

Ms. Madhu Dayal, Advocate
for respondent No.5.

JAGMOHAN BANSAL, J. (Oral)

1. On 12.02.2021, the following order was passed :

“Inter alia argues that vide impugned order dated 26.09.2019 (Annexure P-4) recovery of Rs.2,65,644/- has been ordered from the widow petitioner, ostensibly on the ground that family pension of deceased husband was erroneously fixed and, therefore, dues arising out of recalculations after correcting the error are to be paid back by the petitioner.

*Learned counsel relies on Apex Court’s judgment rendered in case titled as “**State of Punjab and others Vs. Rafiq Masih**” AIR 215 (SC) 696 and submits that petitioner never misrepresented to get any undue benefit and*

erroneous payment, if any, was on the part of the respondents and therefore no recovery can be made.

Learned counsel for the petitioner further argues that the pay fixation of the deceased husband of the petitioner has also been wrongly done and same needs to be revised in the pay scale of Rs.5000-8000/-as per entitlement on the post of Superintendent BR (II) in tune with the revision in the pay scales, as per the recommendations of the 6th Central Pay commission accepted by Government of India.

Notice of motion.

Mr. ShivoyDhir, Advocate and Ms. Madhu Dayal, Advocate who have joined proceedings on service of advance copy of the petition accept notice on behalf of the respondents-Union of India and Bank respectively and seek time to file return.

Adjourned to 22.03.2021.

Meanwhile, operation of impugned order dated 26.09.2019 (P-4) shall remain stayed till the next date of hearing.”

2. Mr. R.D.Bawa, Advocate submits that respondent in terms of communication dated 25.02.2009 of Government of India, Ministry of Shipping Road, Transport and Highways, New Delhi has not calculated salary/pension of the petitioner. If the salary of the deceased husband of the petitioner is re-calculated, no liability would arise against the petitioner. The petitioner undertakes to refund excess payment if after re-calculation of salary of the deceased husband of the petitioner and pension of the petitioner, liability remains.

3. Learned counsel for respondents No.1 to 4 assures the Court that salary of deceased husband of the petitioner would be re-calculated within three months from today in terms of recommendations of 6th pay commission read with aforesaid communication dated 25.02.2009.
4. In the wake of statement of both sides, the petition stands disposed of with a direction to the respondents to re-calculate salary of deceased husband of the petitioner as well pension of the petitioner within three months from today. Till the re-calculation of salary/pension of the petitioner, no recovery shall be made against the petitioner.

19.12.2023
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(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>