

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

(201)

CWP-10400-2021

Date of Decision : July 31, 2023

Kamla and others**.. Petitioners****Versus****State of Haryana and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Manoj Makkar, Advocate, for the petitioners.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Present petition has been filed for quashing of the notices dated 04.09.2020 (Annexure P-3) and 28.02.2020 (Annexure P-4) by which, it has been directed that the old age pension amount, which has been received by the petitioners, is liable to be recovered on the ground that the petitioners were already getting family pension, hence, the amount under the old age pension could not have been extended to the petitioners.

2. Learned counsel for the petitioners argues that the petitioners are the illiterate ladies, who were granted the benefit of old age pension keeping in view the scheme which was formulated by the Government and they never knew that benefit of two pensions cannot be availed by them, hence, the benefit of old age pension was only availed by them under the mistaken belief and not with any ulterior purpose or to defraud the

Government on any amount.

3. Learned counsel for the respondents submits that as per the instructions issued by the Government of Haryana as per which, the old age pension was extended to the petitioners, it was clearly mentioned that in case they are receiving any kind of family pension, the benefit under the Old Pension Scheme will not be available hence, the benefit under the old age pension scheme received by the petitioners is liable to be recovered in the facts and circumstances of the present case.

4. Learned counsel for the petitioners submits that the petitioners have no objection in refunding the amount received by them under the Old Pension Scheme but the only grievance is that there is an allegation against the petitioners that said benefit was received by them by misleading the Department. Learned counsel for the petitioners further submits that the said allegation is causing prejudice as fake allegations are being alleged against them of playing fraud with the Government so as to receive old age pension.

5. Learned counsel for the petitioners argues that keeping in view the facts and circumstances of the present case, when the petitioners show their bona fide that the amount received by them were inadvertent and without knowledge of the fact that benefit of two pension schemes could not have been availed by the petitioners, the inadvertent act be not treated as dishonest or an intentional act on the part of the petitioners.

6. From the pleadings, nothing has been brought before this Court to show that there was an intentional misleading by the petitioners so as to take the benefit under the Old Pension Scheme. The petitioners are the old ladies and illiterate and according to them, they only applied for the benefit keeping in view the advise given at the relevant time and the conditions prescribed for the grant of old age pension.

7. In the facts and circumstances of the present case, by giving the benefit of doubt, it cannot be said that the petitioners got the said amount by misleading the Department especially when learned counsel for the petitioners stated before this Court that they have no objection in refunding the amount which they have got under the Old Pension Scheme.

8. Keeping in view the above, as the petitioners have undertaken before this Court to refund the amount received by them under old age pension scheme, the present petition has been rendered infructuous and the same is disposed of as such with the observations stated hereinbefore. Let the petitioners deposit the amount in question within a period of eight weeks from today failing which, Department will be within its jurisdiction to adopt appropriate method envisaged under law to recover the said amount.

9. Present petition is disposed of in above terms.

July 31, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No