

123 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-16192-2023

Date of Decision:23.11.2023

INDERPATI THRU HER SPECIAL POWER OF ATTORNEY
JARNAIL SINGH

Petitioner

Versus

UNION OF INDIA AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Ms. Monika Thakur, Advocate for the petitioner.

Mr. Aseem Aggarwal, Senior Panel Counsel
for respondents No.1 and 2.

Mr. Gourav Goel, Advocate for the respondent- Bank.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent not to reduce his pension and further direction to respondent to refund the amount which they have already recovered.

2. Learned counsel for the petitioner *inter alia* contends that petitioner is a more than 90 years old widow lady and she is getting pension since 1980. The respondent all of sudden has reduced her pension and further effected recovery of Rs.1,29,348/- which is contrary to judgment of Hon'ble Supreme Court in ***State of Punjab Vs. Rafiq Masih (White Washer) etc. 2015 (1) SCT 195.***

3. The petitioner does not press her prayer *qua* reduction of her pension, however, she prays that respondent may be directed to refund a sum of Rs. 1,29,348/- which they have already recovered in the name of excess payment.

4. Learned counsel for the respondents-UOI submits that there

was a mistake on their part in calculating pension of the petitioner. The mistake occurred in 2014 and it was noticed in 2021. As soon as the mistake was noticed, it was corrected and correct amount of pension of the petitioner was determined. The authorities realizing their mistake effected recovery of excess amount of pension which was paid during 2014-2021.

5. On being confronted with judgment of Hon’ble Supreme Court in *Rafiq Masih* (supra), learned counsel for the respondents expressed their inability to controvert the applicability of the said judgment to the case of the petitioner.

6. The petitioner is a 90 years old widow lady and she is getting pension since 1980. There was no fault on the part of the petitioner in wrong calculation of her pension. It was respondent who inadvertently calculated higher amount of pension. The mistake continued from 2014 to 2021. The respondent has every right to correct its mistake, thus, petitioner cannot claim that she should be paid incorrect amount of pension, however, in view of judgment in Supreme Court *Rafiq Masih* (supra), the respondent has wrongly effected recovery with respect to excess payment. The respondents are directed to refund a sum of Rs. 1,29,348/- to the petitioner within 2 months from today.

7. The petition stands disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

23.11.2023
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No