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

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CWP-28003-2019 (O&M).
Date of Decision: 02.11.2023.

RAKESH KUMAR

...Petitioner

Versus

UNION OF INDIA AND OTHERS

…Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

*****

Present: Mr. Rajesh Gupta, Advocate, for
Mr. Karnail Singh, Advocate, for the petitioner.

None for respondent No.1.

Mr. Mahesh Dheer, Advocate,
for respondents No.2 and 3.

VINOD S. BHARDWAJ. J (ORAL)

Challenge in the present writ petition is to the order dated 19.09.2019 (Annexure P-1), passed by respondent No.2-Regional Manager (Pension Cell), State Bank of India, Sector 6, Panchkula, whereby the respondents No.2 and 3 had put on hold the pension account as well as the Fixed Deposit (STDR) of Rs.10 lakhs for recovery of the overpayment of pension.

Notice of motion in the present case had been issued on 02.12.2019 by recording as under:-

> *"As per pleadings on record petitioner, who was serving as Chief Welfare and Labour Inspector, superannuated on 31.07.2016. He is maintaining his pension account with the State Bank of India, Branch Rama Mandi, Jalandhar.*
>
> *Instant writ petition is directed against a communication dated 19.09.2019 issued by the Bank (Annexure P-1) and whereby the pension account of the petitioner as well as Special Term Deposit Receipt (STDR) for an amount of Rs.10,00,000/- has been put on hold.*
>
> *Document placed on record at Annexure P-4 would reveal that upon implementation of the recommendations of the 7th Pay Commission, the petitioner's pension account has been erroneously credited 125% dearness allowance instead of 12%. Accordingly an amount of Rs.14,41,770/- excess was deposited in his pension account. It is such excess that is now sought to be recovered.*
>
> *Counsel for the petitioner makes a categoric statement that the petitioner is not opposed to the recovery but the same ought to be effected by way of a reasonable monthly deduction. It is argued that the action of the respondent-Bank in putting the entire pension account on hold is highly unreasonable and arbitrary.*
>
> *Notice of motion, returnable for 16.12.2019.*
>
> *Process Dasti."*

Learned counsel appearing on behalf of respondents No.2 and 3 submits that counsel for the petitioner had made a categorical statement that petitioner is not opposed to the recovery but the same ought to have been effected by way of reasonable monthly deductions. He contends that deduction to the extent of 1/3rd of the pension is being made and that there is no hold on the pension. He further submits that the respondent shall also retain only the proportionate right on the Fixed Deposit (STDR) lying in the account of the petitioner.

In view of the aforesaid statement made by the counsel appearing for respondents No.2 and 3 and also the argument of the petitioner noticed at the time of issuing notice of motion, the present writ petition is disposed of as having been rendered infructuous.

The respondents No.2 and 3 shall remain bound by the statement made today in the Court.

November 02, 2023 **(VINOD S. BHARDWAJ)**
raj arora **JUDGE**

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