

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

249

CWP-25115-2022

Date of Decision : 13.12.2023

Dharam Pal

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Sandeep Goyat, Advocate
for the petitioner.

Mr. Bharat Bhushan Sharma, Sr. Panel Counsel
for respondents No. 1 to 4.

Mr. Tarun Dhingra, Advocate
for respondents No.5 and 6.

JAGMOHAN BANSAL, J. (Oral)

1. On 09.12.2022, the following order was passed :

“Inter alia submits that an amount of Rs.2,82,945/- is being recovered from the pension of the petitioner, which is stated to be on account of excess amount of benefit paid from 01.05.2015 to 01.02.2019. The said payment was not on account of any misrepresentation on part of the petitioner.

It is contended that the petitioner was coerced to sign the letter dated 20.04.2019 (Annexure P-3) conceding to effect recovery @ Rs.3300/- per month w.e.f. April 2019.

*Reliance is placed on the judgment of Apex Court in **State of Punjab and others vs. Rafiq Masih (White Washer) etc., (2015) 4 SCC 334**, to contend that the aforesaid recovery from the pension is not permissible and ignorance of the*

law of land as such would not come in the way of the petitioner to seek the relief sought in the present petition.

Notice of motion returnable for 24.02.2023.

Notice re: stay.

Mr. Bharat Bhushan Sharma, Advocate, accepts notice on behalf of respondent Nos.1 to 4 and waives service. Mr. Tarun Dhingra, Advocate, accepts notice on behalf of respondent Nos.5 and 6 and waives service.

They seek and are granted time to file their respective written statement.

Pleadings be completed well before the next date.”

2. Learned counsel for the petitioner, at the outset, submits that the petitioner has already passed away. He asserts that LR’s of the petitioner do not want to contest the petition. The money which has already been recovered from the petitioner may not be refunded to the LR’s, however, further recovery in view of death of petitioner may not be effected. In support of his contention, he relies upon a judgment of Bombay High Court in **Writ Petition (WP) No.4835 of 2021, decided on 27.03.2023**, titled as **“Smt. Sudha vs. Zilla Parishad and others.”**

3. Considering the amount involved and the fact that the petitioner has passed away, the petition is disposed of with a direction to the respondent not to effect further recovery from the LR’s of the petitioner.

(JAGMOHAN BANSAL)
JUDGE

13.12.2023
anju

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