

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Civil Writ Petition No. 6656/2023

1. Union Of India Through General Manager, North West Railway, Jaipur, Jaipur
2. Office Of Drm, North Western Railway, Jodhpur Through Its Manager
3. Senior Divisional Finance Manager, North And Western Railway, Jodhpur, Through Its Additional Divisional Finance Manager, North Western Railway Jodhpur, Rajasthan

----Petitioners

Versus

Smt. Radha Purohit W/o Late Shri Bach Raj Purohit, Aged About 89 Years, Lodho Ki Gali, Beer Mohala, Jodhpur, District Jodhpur (Rajasthan)

----Respondent

For Petitioner(s)	:	Mr. Mukesh Rajpurohit, DySG
For Respondent(s)	:	

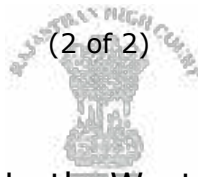
**HON'BLE MR. JUSTICE VIJAY BISHNOI
HON'BLE MR. JUSTICE PRAVEER BHATNAGAR**

Order

16/05/2023

This writ petition has been filed on behalf of the petitioners challenging the order dated 13.10.2022 passed by the Central Administrative Tribunal, Jodhpur Bench, Jodhpur (for short 'the Tribunal') in Original Application No.290/00209/2018, whereby the application filed by the respondent has been disposed of and the memo of recovery of Rs.5,69,907/- issued to the respondent has been quashed and set-aside.

The facts, which are not in dispute, are that the husband of the respondent has worked as Clerk Grade-II (CG-II) in the



Accounts Department of North Western Railway, Jodhpur from 12.03.1953 to 19.05.1957 i.e. the date of his death. The appellants started paying family pension to the respondent after death of her husband, however later on, when the appellants found that the respondent is entitled to get ex gratia payment instead of family pension, the memo was issued for recovery of the amount of Rs.5,69,907/-.

The Tribunal, after taking into consideration the overall facts and circumstances of the case and keeping in view the judgment of the Hon'ble Supreme Court rendered in State of Punjab & Ors. etc. Vs. Rafiq Masih (White Washer) etc., has set aside the memo of recovery vide impugned order.

Having heard learned counsel for the petitioners and after going through the material available on record, particularly taking into consideration the fact that the petitioners are paying ex gratia payment of Rs.3,233/- per month to the respondent and sought to recover amount of Rs.5,69,907/- and also taking into consideration the fact that the family pension was paid to the respondent due to mistake committed by the petitioners and not on account in any mistake and fraud committed by the respondent, we are not inclined to interfere in this writ petition.

Hence, this writ petition is dismissed.

(PRAVEER BHATNAGAR),J

(VIJAY BISHNOI),J