

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

221

CWP-1935-2012 (O&M)
Date of decision: 08.04.2024

Devinder Rani and Anr.

...Petitioners

Versus

State Bank of Patiala and Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- None for the petitioners

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY, J. (ORAL)

1. The prayer made in the present civil writ petition is for quashing the orders No.CPPC/600 and No.CPPC/601 dated 28.10.2011, Annexure P-1 and P-2, respectively, issued by the respondents, for the recovery of Rs.94,924/- and Rs.1,00,476/- from petitioner Nos.1 and 2, respectively.

2. On 28.11.2023, the following order was passed:

“An affidavit has been filed on behalf of the Chief Manager, State Bank of India that the recovery proceedings were initiated from the pensioners in compliance of the letter sent by the Accountant General, Punjab. The recovery effected upon instructions from the Department of Pension Sanctioning Authority, has now been refunded to the petitionerspensioners. The statement of account has also been filed to show that the amount has been refunded.

Keeping in view of the above affidavit, as no one has contested or filed any counter to the same, this Court is satisfied that the recoveries which were made earlier have been refunded on 10.05.2019 and for the months of October, 2011 to December, 2011 and January 2012 and February 2012 on 25.04.2019, arrears of pensions was refunded on 10.05.2019, which was recovered in 2012.

It is noticed that the petitioners had been retired at the

age of 58 years and they challenged the same before the learned Civil Court, decree was passed in their favour and it was directed that they will be treated to retire at the age of 60 years. The salary, annual increments for 02 years of service which would have accrued to them was directed to be released to them. The petitioners were also declared entitled for enhanced pension and other retiral benefits and interest @ 9% per annum on the salary pension, retiral benefits were also required to be released as per the judgment passed on 07.02.2006. The first appeal as well as second appeal preferred against the said judgment were dismissed and thus the judgment attained finality. The respondents shall file an affidavit whether the said benefit has been released or not. At the same time, the interest on the amount refunded from the arrears of pension which was recovered in 2011 and refunded in 2019, shall also be released @ 9% per annum.

Affidavit be filed within two weeks.

List this case on 15.12.2023.

To be shown in the list of urgent cases.”

3. In pursuance to the aforesaid order, Additional Affidavit by Dr. Abhishek, Superintendent, Govt. Ayurvedic Pharmacy & Stores, Patiala dated 08.04.2024 has been filed by learned State counsel. The same is taken on record.

The relevant paras thereof read thus:

“3. That it is respectfully submitted in compliance of the orders a meeting was held on 08/09/2016 at Govt. Ayurvedic Pharmacy & Stores, Patiala. Respondent No.2 (Branch Manager, State Bank of Patiala, disbursing branch for pension and other payments), answering respondent No.3. Respondent No.4 (Accountant General Punjab, A&E had not attended the meeting inspite of repeated telephonically messages. However, Sh. Hans Raj Chhabra was deputed to collect the minutes of the meeting, He collected the minutes on 12/09/2016. In response to this a letter by Accountant Punjab was written on dated 12/09/2016 to District Treasury Officer, Patiala to make the recovery from one side only i.e. either by D.T.O. Patiala or Department. One sided recovery may be refunded to the retirees.

4. That the office of answering respondent No.3 has already recovered the amount of pension & commuted pension from the amount of salary paid to the petitioner. The detail of recovery is appended as below :-

Sr No.	Name of retiree	Period	amount	Amount of recovery
1.	Lalu Ram	1/05/02 to 30/04/04		2,30,915/- 1,09,162/-
2.	Devinder Rani	1/09/2002 to 31/08/04		2,32,452/- 1,07,676/-

This information was conveyed to Accountant General, Punjab vide letter dated 23/11/2009.

5. That the office of answering respondent had already informed the bank that if any amount is not released to petitioner, it should be released and paid to retiree as per order of Hon’ble Punjab & Haryana High Court dated 28/11/2023.”

4. In view of the above, the present petition is hereby disposed of.

(AMAN CHAUDHARY)
JUDGE

08.04.2024
M.Kamra

Whether speaking/reasoned

:

Yes / No

Whether reportable

:

Yes / No