

THE PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH.

207

CWP-14547-2017 (O&M).
Date of Decision: 18.01.2024.

GIR RAJ AND ANOTHER

... Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER

... Respondent(s)

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

Present: Mr. Rohit Sharma, Advocate, for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana, for the respondents.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present writ petition is to the notice dated 31.05.2016 (Annexure P-3) issued by the respondent No.2-District Social Welfare Officer, Mewat, District Mewat.

Learned counsel appearing for the petitioner contends that both the petitioners are senior citizens of more than 60 years of age and had been awarded old age pension by the respondents since April 2008 till July 2015. The petitioners were, however, in receipt of a letter dated 18.08.2015 whereby the petitioners were asked to submit the documents regarding their proof of age. Replies to the said letters were filed by the petitioners along

with the documents regarding age of proof, however, notwithstanding the said documents and the replies submitted by the petitioners, notices had been sent to the petitioners calling upon them to deposit a sum of Rs.1,61,992/- on account of wrong release of the pension. Counsel further contends that the respondents have failed to refer to any material or any basis under which the evidence submitted by the petitioners regarding their age and eligibility could be disbelieved.

Learned counsel for the State, however, contends that the present writ petition is liable to be dismissed and points out that the petitioners had furnished false and forged documents in order to avail the benefits under the old age pension scheme formulated by the Government. He further states that the documents submitted by the petitioners along with the response were verified and upon verification, it was concluded that the said documents are forged and not tenable. It was further contended that the respondent department had issued letter dated 31.07.2015 to the petitioners seeking submission of proof of age however, no documents were submitted by them. Thereafter, another letter was sent on 12.08.2015 followed by a subsequent reminder on 18.08.2015 as well but to no avail. The petitioners chose to not respond to the same whereupon the proceedings were initiated. It is contended that till 25.08.2015, no reply to the said letters was submitted, hence, the decision was taken to stop further pension w.e.f. 25.08.2015. A report in this regard was also sent to the authorities concerned. He further contends that the petitioners never submitted any documents and that even if the replies attached by the petitioners along with the present writ petition to the notices issued by the Department are taken

into consideration, the petitioner No.1 claims his date of birth to be 01.01.1947 and petitioner No.2 claims his date of birth as 23.03.1947 as per the writ petition. However, in the reply attached with the present writ petition, petitioner No.1 has claimed his date of birth as 12.12.1951. Further, it is stated by him that as on the date of filing of the reply i.e. 14.09.2015, petitioner No.2 was 63 of age, hence, considering it by any stretch, the petitioner No.1 was not above the age of 60 years in the year 2008 when the pension was released to them. Similar is the case of petitioner No.2 who is wife of petitioner No.1 and that they did not fulfill the eligibility criteria for grant of old age pension. Learned State counsel further contends that even though the written statement had been filed on behalf of the State in November 2017 denying averments of the petitioners, however, no rejoinder/replication had been submitted by the petitioners to dispute the said specific contention. Hence, the petitioners have chosen to take a stand which is factually incorrect in an attempt to mislead this Court and to give an impression as if the requisite response had been filed by the petitioners consequent upon the receipt of the notices sent to them. He, however, fairly submits that the respondent State has no objection to take into consideration the documents and/or any other proof which may be furnished by the petitioners. It is also contended that in the event the petitioners fulfill the terms and conditions for grant of pension at current stage, the case would be examined w.e.f. the date when such benefit is due and that the amount already released in favour of the petitioners would be adjusted against the subsequent amount payable to the petitioners.

Counsel for the petitioners has no objection to the same.

Accordingly, with the consent of the parties and without commenting on the merits of the case, the present writ petition is disposed of with liberty to the petitioners to submit the relevant documents/evidence to the respondent authorities as regards proof of their age. The respondent authorities shall thereafter enquire into the said documents and pass speaking order thereupon assessing the eligibility of the petitioners. In the event, the petitioners are found eligible for grant of pension at any date later than what has been claimed by the petitioners, any benefits that have been wrongly disbursed to the petitioners would be liable to be adjusted against the future dues which may be found payable to the petitioners. Let the entire exercise as aforesaid be completed and a decision be taken by the respondents, after granting an opportunity of hearing to the respective parties, within a period of 04 months after the receipt of a certified copy of this order.

Disposed of in terms of the above.

January 18, 2024

raj arora

Whether speaking/reasoned

Whether reportable

(VINOD S. BHARDWAJ

JUDGE

: Yes/No

: Yes/No