

CWP-14352-2018 (O&M)

2024:PHHC:106000



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

CWP-14352-2018 (O&M)
Date of Decision:13.08.2024

Ram Kalan

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Mukesh Yadav, Advocate for the petitioner.

Mr. Bhupeshwar Jaswal, Advocate for respondents.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 20.01.2017 (Annexure P-3) whereby the pension of the petitioner has been reduced and the excess amount given by the respondent-department has been ordered to be recovered.

2. Learned counsel for the petitioner submitted that husband of the petitioner namely late Sh. Singh Raj, was working as Assistant Lineman in the office of respondent-DHBNL (hereinafter to be referred to as 'Nigam') and while he was in service, he died on 15.03.2003. Thereafter, the petitioner was granted family pension in accordance with law. He further submitted that thereafter when the PPO order was issued, it was so stated that the family pension amounting to Rs.2750/- per month was to be paid from 01.1.2004 to

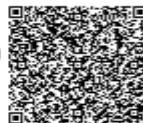


15.03.2023 vide Annexure P-2. He further submitted that vide Annexure P-3 as per the stand taken by respondent-Nigam, the aforesaid period had to be counted from 01.01.2004 till 15.03.2013. He further submitted that the aforesaid mistake was detected by respondent-Nigam on 20.01.2017 and in this way as per the respondent-Nigam for more than 03 years excess payment of pension was made to the petitioner. He further asserted that in this way the total amount of Rs.48,000/- is to be recovered from the petitioner who is a widow and a family pensioner and an installment of approximately Rs.1,000/- per month was ordered to be deducted from the family pension of the petitioner which is a huge amount because for a poor widow the aforesaid amount and monthly installment are on the higher side. He submitted that vide order dated 31.05.2018 passed by this Court, the recovery of excess pension was stayed. He also submitted that once the respondents-department themselves have admitted their mistake that the aforesaid extra amount had been paid to the petitioner because of the mistake of the respondents then the aforesaid amount cannot be recovered from the petitioner.

3. On the other hand, learned counsel for the respondents submitted that as per reply filed by the respondents-Nigam there was a typographical mistake in the letter sent to the bank. He also submitted that it was a result of a mistake that the aforesaid extra amount was paid to the petitioner which was thereafter directed to be recovered from the family pension of the petitioner.

4. I have heard learned counsels for the parties.

5. The short point involved in the present case is with regard to the action of respondents-Nigam for recovering an amount of approximately



Rs.48,000/- from the petitioner. When the respondent-Nigam sent the PPO letter to the State Bank of Patiala, admittedly there was a typographical mistake pursuant to which aforesaid extra amount was paid to the petitioner for more than three years and thereafter the same was sought to be recovered from the petitioner by way of a monthly installment of Rs.1,000/-. The petitioner has not challenged the right of the respondent-Nigam to refix the pension in accordance with the rules but the only grievance of the petitioner is with regard to recovery aspect that once it has been paid to the petitioner then the same cannot be recovered.

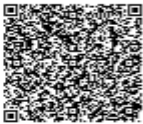
6. After hearing learned counsels for the parties, this Court is the considered view that the petitioner received an extra amount which was in violation of the rules but at the same time, the petitioner is a widow and is receiving family pension, her rights could not have been jeopardized because of the mistake of the respondents. The aforesaid mistake has already been admitted by the respondents in their reply and in this way right of poor widow has been affected prejudicially. It is also the case of learned counsel for the petitioner that an amount of Rs.1,000/- per month was ordered to be deducted from the family pension of the petitioner which is on the higher side.

7. In view of the above, the present petition is partly allowed. It is directed that the aforesaid monthly installment of Rs.1,000/- shall be reduced to Rs.500/- per month and the same be fixed in accordance with law.

8. Since the mistake has been admitted by respondents-Nigam in their reply and it is a case of the poor widow who is receiving family pension, has knocked the door of this Court, the petitioner shall also be entitled for costs

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which are assessed as Rs.20,000/- which shall be paid by the respondent-Nigam to the petitioner within a period of three months from today.

(JASGURPREET SINGH PURI)
JUDGE

13.08.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No