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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-920-2017 (O&M)

Date of Decision : 22-07-2024

KHUSHAL SINGH THAKUR

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Puneet Gupta, Advocate
for the petitioner.

Mr. Arun Gupta, DAG Punjab.

Mr. Mahesh Dheer, Advocate with
Mr. Dheeraj Siwach, Advocate
for respondent Nos.3 and 4.

HARSIMRAN SINGH SETHI, J. (Oral)

In the present petition, the challenge is to the excess amount paid to the petitioner as family pension which is sought to be stopped.

Learned counsel for the petitioners submits that once the amount has already been paid, keeping in view the judgment of *State of Punjab and others Vs. Rafiq Masih (White Washer) etc., 2015(1) S.C.T., 195*, as the petitioner is a Class-III employee, no recovery can be made of the excess amount.

Learned State counsel on the other hand submits that in the similarly situated case, where the family pension was paid more than the entitlement, this Court while passing order in CWP No. 14116 of 2015 titled “*Chaman Lal Vs. State of Punjab and others*” decided on 27.04.2022, has

already rejected the claim of the similarly situated employees where the recovery was being done and the recovery of excess payment was held valid.

I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

In the present petition, the grievance raised by the petitioner is that the sum of Rs.1,44,879/- is being recovered on the ground that the same has been paid in excess of the entitlement. It may be noticed that the petitioner is getting the family pension under the Pension Payment Order (PPO) dated 17.05.2024, copy of which has been annexed as Annexure R3/2. In the said pension payment order in Clause 12, it has been mentioned that the petitioner will be paid enhanced pension of Rs.7313/- from 28.04.2004 till 27.04.2011 and thereafter, the normal family pension @ Rs.4388/- starting from 28.04.2011. The petitioner knew about his entitlement of the family pension even at this stage when the family pension was allowed.

Therefore, despite the fact that the petitioner knew that he was only entitled for normal rate family pension from 28.04.2011, the petitioner kept on receiving higher pension of Rs.7313/-.

Being a law abiding citizen of this country, it is the duty of the petitioners to inform the department that he is paid beyond his entitlement rather, the petitioner kept on accepting the higher pension knowingly that he is not entitled for the same and is contrary to the terms and conditions of the family pension/payment order.

Even otherwise, in the similarly situated case of ***Chaman Lal's case (supra)***, where also existed the same facts, this Court has already upheld the recovery.

Learned counsel for the petitioner has not been able to point out any differentiating fact between the case of the petitioner and that of *Chaman Lal's case (supra)*.

Keeping in view the reasons mentioned in *Chaman Lal's case (supra)*, the present petition is also dismissed in the same terms.

Ordered accordingly.

Pending application, if any, also stand disposed off.

22-07-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO