

2024:PHHC:123883



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CWP-21175-2024

Date of decision: 18.09.2024

BACHNA RAM

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

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Present: - Mr. Vinod Bhardwaj, Advocate  
for the petitioner.

Mr. Vivek Saini, Addl. A.G. Haryana.

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**VINOD S. BHARDWAJ, J. (Oral)**

Challenge in the present writ petition is to the report dated 07.02.2017 (Annexure P-2) whereby the Annual Income of the petitioner has been shown more than Rs. 2.00 lacs. A further prayer seeking setting aside of the status report (Annexure P-3) as per which the petitioner has been shown ineligible for his old age pension has also been made. The petitioner prays that as a necessary consequence thereof, the notice dated 06.06.2023 issued by the respondents calling upon him to deposit the arrears of pension unlawfully availed to the tune of Rs. 2,27,000/-, be also set aside.

2. Counsel for the petitioner argues that the petitioner is eligible for grant of Old Age Pension Scheme as notified by the respondent-State of

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Haryana. It is contended that the pension drawn by the petitioner was, however, discontinued in light of the report dated 07.02.2017 sent by the Patwari, on receipt of a complaint regarding excess annual income of the petitioner. As per the said report, the Annual Income of the petitioner was reported to be more than Rs. 2 lakhs after noticing that he was owner of land measuring 65 kanal 13 marlas.

3. Learned Counsel contends that the above said report was incorrect since subsequently, the respondents have themselves acknowledged in their report (Annexure P-9) that the petitioner was the owner only to the extent of 26 Kanals bearing Khewat No. 154.

4. In view of the discrepancies in the report dated 09.05.2023 submitted by the Naib Tehsildar, Dhand as compared to earlier report dated 07.02.2017 (impugned herein), which could have been the basis for the petitioner being held ineligible to the grant of pension, the State was called upon to submit an affidavit clarifying the same. In compliance to the aforesaid, a reply by way of affidavit of Seema Rani, District Social Welfare Officer, Kaithal, Haryana has been filed on behalf of respondent No.6 in the Court today wherein both the reports are acknowledged to have been issued by the competent authority and the subsequent report of 09.05.2023 is admitted.

5. Counsel for the petitioner further informs that the above said error has occurred because the respondent Revenue authorities failed to take into consideration the alienation of land that had taken place vide registered sale deed executed on 21.03.2006 to the extent of 15 Kanal 03 marlas and the subsequent alienation done on 28.07.2017 and 15.06.2022. It is

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submitted that in the event of the effect of the aforesaid alienation and the total land holding of the petitioner and his total income from all sources is examined, the case of the petitioner would fall within the parameters prescribed for eligibility and for grant of Old Age Allowance Scheme, 2005 as amended.

6. Learned Counsel for the petitioner has also been confronted with the fact that in the year 2011, the requirement of annual income for being eligible for grant of family pension was Rs. 50,000/- Even if the petitioner is extended the benefit of alienation of 15 kanal land on 21.03.2006, yet, he would be owner to the extent of 50 kanal of land. He does not dispute the same but submits that the said aspects are required to be ascertained and considered by the respondent competent authority, as per the then land holding, the prevailing assessment and the income to be derived therefrom to determine the eligibility as per the conditions in force from time to time.

7. Taking into consideration the conflicting reports submitted by the Revenue authorities themselves with respect to the annual income of the petitioner from all the sources, I deem it appropriate at this juncture to direct the respondents to keep the impugned demand as per the report dated 07.02.2017 and conveyed vide notice dated 06.06.2023 in abeyance till the respondents take a fresh decision with respect to eligibility of the petitioner for grant of pension on the basis of the annual income at the relevant time and after examining his assets irrespective of the revenue estate where so acquired.



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8. The present writ petition is accordingly disposed of with a direction to the respondents to reconsider the claim of the petitioner for grant of benefits after granting an opportunity of hearing to the petitioner and after taking into consideration the actual land holding/assets possessed by the petitioner alongwith other sources of income as well as the eligibility conditions for grant of pension, in force over the period.

(VINOD S. BHARDWAJ)  
JUDGE

SEPTEMBER 18, 2024  
*Vishal Sharma*

Whether speaking/reasoned : Yes/No  
Whether Reportable : Yes/No