



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-27131-2022 (O&M)

Decided on :03.05.2024

RAJ BALA CHAUDHARY

. . .petitioner

Versus

STATE OF HARYANA & OTHERS

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Karamveer Singh Banyana, Advocate for the petitioner.

Ms. Vibha Tewari, AAG, Haryana.

Mr. Nitin Kumar, Advocate for respondents No. 3 & 4.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present petition, the challenge is to the order dated 02.08.2022 (Annexure P-2) by which, the recovery of Rs. 6,62,926/- has been imposed upon the petitioner from her family pension.

2. Learned counsel for the petitioner submits that there is no misrepresentation on behalf of the petitioner so as to claim the benefit of enhanced pension but, the respondents themselves have paid the enhanced pension to the petitioner and hence, keeping in view the settled principle of law as settled by the Hon'ble Supreme Court of India in **State of Punjab v. Rafiq Masih (Whitewasher) 2015 (4) SCC 334**, no recovery can be done from the petitioner.

3. Learned counsel for the respondents on the other hand submits that in the present case, the petitioner has given an undertaking that in case, any extra amount is paid to the petitioner, the same will be recovered back from her, hence, keeping in view the facts and circumstance of the present case as well as the undertaking given by the petitioner, the judgment



passed by this Court in **High Court of Punjab and Haryana and others v.**

Jagdev Singh 2016 (14) SCC 267 will be applicable which has been passed after considering the judgment passed in **Rafiq Masih's case (supra)**.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. As per the judgment passed in **Jagdev Singh's case (Supra)**, the department is well within its jurisdiction to recover the extra amount paid to the employees, in case the employee has already undertaken to the effect that in case he/she received extra amount, then the said amount can be recovered back.

6. In the fact and circumstances of the present case, where the submission of an undertaking is conceded to the effect that in case, extra amount is paid to the petitioner by mistake by the respondent-department then the same can be recovered, the said judgment of **Jagdev Singh's case (supra)** will be applicable in the present case and not the judgment passed in **Rafiq Masih's case (Supra)**.

7. Keeping in view the above facts and circumstances recorded herein above, no ground is made out for any interference by this Court in the present petition, hence, the present petition stands dismissed.

8. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

03.05.2024

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