



CWP-27483-2022 (O&M)

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

214

CWP-27483-2022 (O&M)

Date of decision: 27.08.2024

Sat Narain

..Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Amit Kaith, Advocate for the petitioner.

Mr. Dushyant Saharan, AAG, Haryana.

Mr. Vikas Chatrath, Advocate and
Mr. Abhishek Singla, Advocate for respondent-SBI.

AMAN CHAUDHARY, J. (Oral)

1. Challenge is to the demand notice dated 01.11.2022 (Annexure P1 issued by respondent no.2- Asst. General Manager, SBI.
2. The recovery of alleged excess pension paid amounting to Rs.1,12,942/- was ordered by way of monthly installments of Rs.11,367/- against the petitioner, who superannuated from the office of Haryana Roadways as Inspector (Group-C Post) on 31.03.2007.
3. The premise of the impugned order is the orders received from PSA, wherein it was stated that the PPO was applicable from 13.06.2015 instead of 01.04.2007, however, admittedly neither the said order nor any show cause notice was issued to him, which is in teeth of law laid down in **Olga Tellis and other vs. Bombay Municipal Corporation**, (1985) 3 SCC 545.
4. The judgment in **State of Punjab and others etc. vs. Rafiq Masih**,



(2015) 4 SCC 334, has also been pressed into service in support of the submissions.

5. Learned counsel for the respondents have been unable to controvert the factual position or justify the recovery ordered without grant of any opportunity of hearing.

6. In view of the above, the impugned demand notice dated 01.11.2022 is set aside, leaving the Department a liberty to proceed in accordance with law, if so advised.

(AMAN CHAUDHARY)
JUDGE

27.08.2024
ashok

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