



CWP-18818-2003 and
CWP-19168-2003 (O&M)

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

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Date of decision: 07.04.2025

- 1) CWP-18818-2003
Gurmit Kaur vs. State of Punjab and others
- 2) CWP-19168-2003 (O&M)
Tej Kaur and others vs. State of Punjab and others

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: None for the petitioner(s).

Mr. Satnam Preet Singh, DAG, Punjab.

AMAN CHAUDHARY, J. (Oral)

1. These cases involve similar issues and therefore, are being disposed of together by this common judgment, for the sake of convenience the facts are derived from CWP-18818-2003.
2. Prayer made in the present petition is for quashing the orders dated 14.05.2001, 01.12.2001 and 09.05.2002 vide which the benefit of dearness relief has been denied on the family pension to the petitioners w.e.f. 14.05.2001.
3. The Division Bench, while admitting the petition on 04.12.2003, had ordered that recovery shall remain stayed.
4. In the index of the petition, reliance was placed to the pendency of CWP-17034-2003 titled as **Pritam Kaur and others vs. State of Punjab and others**, wherein recovery had also been stayed and stands disposed of vide judgment dated 20.01.2004 declining the relief of payment of dearness allowance on family pension, however, the prayer of the petitioners in respect of the recovery sought to be made from them and in case any recovery has been made, the same shall be refunded, the relevant paras of it read thus:-



“The controversy in hand raises two issues: namely, 1) whether the petitioners were entitled to dearness allowance on family pension, and 2) whether recovery could be effected in a situation wherein the recipients had not made any misrepresentation to the authorities.

Insofar as the first issue is concerned, the controversy in hand stands adjudicated upon by the Apex Court in *H.S.E.B. and Ors. Versus Azad Kaur* (Civil Appeal No. 5835 of 1998, decided on 18.8.1999). In view of the determination of the Apex Court on the issue under reference, we satisfied that are the claim of the petitioners for dearness allowance on family pension is misconceived. The first contention of the petitioner is, therefore, not accepted.

The second issue relates to the recovery of dearness allowance wrongfully paid to the petitioners. is not It a matter of dispute between the parties that the payment of dearness allowance to the petitioners was not based on any misrepresentation at their hands. It is clear that dearness allowance was wrongfully paid to the petitioners by the respondents unilaterally. That being so, in view of the decision rendered by the Apex Court in **Sahib Ram Versus The State of Haryana and others**, 1994 (5) SLR 753, we are satisfied that the recovery should not be effected from the petitioners.

In view of the the above, the instant writ petitions are dismissed insofar as the claim of the petitioners for dearness allowance on family pension is concerned, however, the prayer of the petitioners is allowed in respect of the recovery sought to be made from them. In case any recovery has been made from the petitioners in the interregnum, the same shall be refunded to the petitioners within a period of four months from today.

Disposed of in the aforesaid terms.”

5. Learned State counsel despite best efforts has not been able to controvert regards factual position and draw out any distinctive aspects in the aforementioned judgment or cite any contrary law.

6. In view of the above, the present petition is disposed of in terms of **Pritam Kaur** (supra).

7. Photocopy of this order be placed on the file of connected case.

(AMAN CHAUDHARY)
JUDGE

07.04.2025
Hemant

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