



CWP-9442-2025

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

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CWP-9442-2025

Date of Decision: 17.07.2025

Sumitra Gusain

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. M.S. Kathuria, Advocate for the petitioner

Ms. Rajni Gupta, Additional Advocate General, Haryana

Mr. Prince Singh, Advocate for respondent Nos.2 and 3

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to the respondents not to reduce her pension and further effect recovery.

2. The petitioner is widow of Late Sh. Nandan Singh who retired from the office of respondent-Uttar Haryana Bijli Vitran Nigam on 31.10.2008. He passed away on 12.12.2014. The petitioner being widow of deceased employee was entitled to family pension. She was entitled to full pension till 12.12.2016, however, thereafter she was entitled to family pension which was substantially less than full pension. The respondent continued to pay her full pension upto 2022. On realizing mistake, the respondent rectified pension of the petitioner and started paying correct



amount of pension. The respondent did not effect recovery with respect to past excess payment, however, as soon as the petitioner approached this Court, the respondent started recovering ₹10,000/- per month.

3. Learned counsel for respondent Nos.2 and 3 expressed his inability to controvert aforesaid factual position. He submits that there was mistake on the part of officials and petitioner was paid full pension during 2016-2022 instead of family pension. The respondent did not recover excess payment, however, show cause notice dated 21.04.2025 (Annexure R-2) raising demand of ₹6,20,153/- has been served upon the petitioner.

4. I have heard the arguments of learned counsel for both sides and perused the record with their able assistance.

5. From the perusal of record, it is evident that there was no lapse or fraud on the part of the petitioner. She was entitled to pension from 2014-2016 and thereafter, family pension. The respondent, as per its choice, paid pension till 2022. The petitioner is not disputing revised pension. She has agreed that she would not raise dispute with respect to family pension payable from 2022. Her grievance is confined to past recovery.

6. The petitioner is a widow and she was not at fault. She at present is 62 years old and getting family pension of ₹19,492/-. Her case is squarely covered by judgment of Supreme Court in ***State of Punjab and others v. Rafiq Masih (White Washer) and others, (2015) 4 SCC 334.***

7. In the backdrop, the present petition deserves to be allowed and is allowed to the extent of recovery of past excess payment. Accordingly, it



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is hereby held that no further recovery shall be made from the petitioner with respect to alleged excess payment.

(JAGMOHAN BANSAL)
JUDGE

17.07.2025
Mohit Kumar

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