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

CWP-30296-2018

Date of Decision:25.03.2025

BIMLA DEVI

..... Petitioner

Versus

STATE OF HARYANA AND ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Bhupinder Singh Bairagi, Advocate
for the petitioner.

Ms. Palika Monga, DAG, Haryana.

Mr. Rajesh Gaur, Advocate
for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of notice dated 01.06.2018 (Annexure P/2) whereby respondent stopped her family pension and ordered to recover pension released from 2002 to 2015.

2. The petitioner is widow of Azad Singh who passed away while in harness in 1994. She started getting family pension from 1995. She in 2002 solemnized second marriage and continued to receive family pension. Her second marriage came to be dissolved in 2015. Despite her disentitlement, she wrongly received family pension from 2002 to 2015. The respondent by impugned order, stopped her family pension and further ordered to recover pension already received. This Court on 15.09.2022 passed the following order:



“Learned counsel for the respondents submits that undertaking dated 08.01.2019 has not been received by them.

A copy of the said undertaking is supplied to the learned counsel for the respondents in the Court today. He seeks some time to go through the same and to seek instructions from the respondents as to whether, the petitioner's benefit can be restored after she refund the amount of family pension which she has received for the disputed period.

Adjourned to 06.12.2022.”

3. Mr. Rajesh Gaur, Advocate for the respondents, during the course of hearing, pursuant to aforesaid order produced communication dated 22.04.2024. The said communication is reproduced as below:

“Office Order No. SPL-1

Dated: 22.04.2024

In view of order passed by Hon'ble Punjab & Haryana High Court Chandigarh in CWP No. 30296 of 2018 titled as Bimla Devi V/s State of Haryana & Ors. Passed on dated 15.09.2022. The operative part of the order given below:

Learned counsel for the respondents submits that undertaking dated 08.01.2019 has not been received by them.

A copy of the said undertaking is supplied to the learned counsel for the respondents in the Court today. He seeks some time to go through the same and to seek instructions from the respondents as to whether, the petitioner's benefit can be restored after she refund the amount of family pension which she has received for the disputed period.

Further, the under taking as submitted by the petitioner Smt. Bimla Devi W/o Late Sh. Azad Singh ALM accordingly she has ready to deposit the amount which she has taken as family pension by this office from the year 2002 till 2015 when her second marriage was dissolved.



The matter in this regard was sent to the LR HPU, Panchkula for necessary advise & office of LR HPU Panchkula vide his office memo no. Ch-96/LB-2(262) dated 15.11.2022 vides which it has been advised" Decision may be taken regarding family pension on submission of proof that she is in necessitous circumstances and otherwise deserving (as per not appended to rule 8.35 of Pb CSR). However, she is not entitled to family pension for the period 04.02.2002 to 26.02.2015.

The petitioner has sought restoration of family pension, after dissolution of her second marriage. In the under taking the petitioner has stated that she is ready to deposit the amount of family pension, which she got from the year 2002 to 2015 as she has no house to live nor any type of source of income. The same be recovered from the pension as per law.

The proposal put forth by the petitioner seems to be reasonable as this office has already advised that family pension is admissible on submission of proof that she is in necessitous circumstances and otherwise deserving (as per note appended to Rule 8.35 of Pb.CSR). However, she is not entitled to family pension for the period 04.02.2002 to 26.02.2015. In case office concerned is agreeable to the proposal put forth by petitioner then same may be conveyed to the advocate under intimation to this office.

Hence keeping in view of the Hon'ble Punjab & Haryana High Court Chandigarh order dated 15.9.2022 as well as the Ld. LR HPU Panchkula advice in the matter the request of the petitioner has been considered by this office and it has been decided the family pension of the petitioner can be restored and recovery for the period 04.02.2002 to 26.02.2015 i.e. Rs. 643738/- shall be recovered from her upcoming family pension.

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agrees with the aforesaid proposal of the respondent.

5. In the wake of aforesaid letter dated 22.04.2024 and statement of Mr. Bhupinder Singh Bairagi, the present petition stands disposed of.

6. The respondent within two months will calculate pension payable from 2015 to 2025 and set off pension wrongly paid from 2002 to 2015. It is made clear that neither petitioner would be entitled to interest on pension payable from 2015 to 2025 nor respondent would be entitled for the period from 2002 to 2015.

(JAGMOHAN BANSAL)
JUDGE

25.03.2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No