



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-19586-2025
Date of decision: 16.07.2025

ROSHNI DEVI

.....Petitioner

VERSUS

THE STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Saurabh Dalal, Advocate
for the petitioner.
(Through V.C.)

Mr. Tapan Kumar, DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. Challenge in the present writ petition is for seeking setting aside of the order dated 23.01.2025 whereby the respondents have re-fixed the pension/pensionary benefits admissible to the petitioner and have further directed effecting recovery of the excess financial benefits released to the petitioner, the instant writ petition has been filed.

2. During the course of arguments, Counsel for the petitioner fairly concedes that the re-fixation/revision of the pay/family pension of the petitioner has been done in accordance with law and that his grievance is restricted only to the extent of mere recovery of the excess payment already made to the petitioner in view of the instructions issued by the Additional Chief Secretary to the Government of Haryana dated 23.02.2016 which



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restrict the respondents from effecting such a recovery when the payment had been made without any fault and more so in relation to Class-III and Class-IV employees. He submits that deceased husband of the petitioner was working as a ‘Clerk’ with the respondent-Department and had been given the monetary benefits in October, 2010. He expired in November, 2023 and that the proceedings for recovery have now been initiated.

- 3. Notice of motion.
- 4. Mr. Tapan Kumar, DAG, Haryana appears and accepts notice on behalf of the respondents.
- 5. Learned State Counsel has been confronted with the fact that the impugned order dated 23.01.2025 passed by the Director State Transport Haryana does not take into consideration the instructions issued by the office of the Additional Chief Secretary to Govt. of Haryana, Department of Finance dated 23.02.2016 and as to why the said benefit would not be available to the petitioner.
- 6. Consequently, without seeking a formal reply from the respondent-State, the impugned order dated 23.01.2025 is set aside. The respondents are directed to treat the instant writ petition as a representation and to pass a fresh order with respect to the assertions made in the present writ petition and the relief asked for, in light of the instructions issued by the Govt. of Haryana.

JULY 16, 2025
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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