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

LPA-185-2020 (O&M)

Date of Decision: 3rd December, 2025

BHAKHRA BEAS MANAGEMENT BOARD (BBMB) AND OTHERS

.....Appellant(s)

V/s.

GOLDI DEVI AND ANOTHER

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR

(Through Video Conference/Hybrid Mode)

Present: Mr. Amar Vivek, Advocate and
Ms. Sanchi Bindra, Advocate, for the appellants.

Mr. H.C. Arora, Advocate and
Ms. Sunaina, Advocate, for the respondents.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This Appeal assails the judgement of the learned Single Judge dated 20.08.2019, whereby Writ Petition filed by the respondents, bearing No. CWP-14578-2016, for refund of the amount paid towards Special Family Pension along with 12% simple interest has been allowed.

2. The undisputed facts of the case are that late Tilak Raj, husband of respondent No.1, was working as Electrician Grade-1 in Bhakhra Beas Management Board (hereinafter referred to as "the Board") had died in harness on 27.07.2010. At the time of death of the deceased employee, the Policy applicable was Death Compensation Policy dated 03.11.2005 which entitle the heirs of the deceased to solatium (lump sum compensation). The Policy also contemplated special family pension at the rate mentioned therein till the date of superannuation of the deceased employee. In terms of such Policy, the benefits contemplated were extended

to the widow of the deceased employee. It transpires that a fresh Scheme was introduced by the Board on 26.08.2013, providing for compassionate appointment to be offered to the heirs of the deceased employee. This Policy was extended with retrospective effect w.e.f. 16.04.2010. The Policy provided that in the event benefits already availed are returned along with 12% interest then compassionate appointment can be offered to the heir of the deceased employee. The respondents accepted the Policy and refunded the amount along with interest vide letter dated 02.07.2014. Benefits received in the form of solatium and special family pension were refunded along with 12% interest. It is thereafter that the daughter of the deceased employee was granted compassionate appointment which she accepted and started working. It is after one year that a claim was raised by the respondents for refund of amount of special family pension and solatium together with interest.

3. Learned Single Judge has allowed the Writ Petition relying upon the principles laid down in the case of **State of Punjab and Others** Vs. **Rafiq Masih**; 2015(4) SCC 334. Thus, aggrieved, the Board is before us in the present Appeal.

4. Learned counsel for the appellants argues that the Policy of the Board was composite in nature and the benefit of compassionate appointment was extended from the retrospective date in the event the heir of the deceased employee agreed to refund of the amount along with 12% interest. This Policy was equally applied to all deceased employees of the Board, who died till the cut-off date i.e. 16.04.2010. A conscious decision

was taken by the respondents to refund the amount and avail the benefit of compassionate appointment. Having accepted such Policy and thereby acquiesced to the decision of the employer, a subsequent attempt to re-claim the amount already paid would be impermissible.

5. Learned counsel for the respondents on the other hand argues that the refund of the amount was in compelling circumstances, and was not a voluntary act on part of the respondents. It is stated that since compassionate appointment was needed for the family as such, the action of refund of the amount along with interest was in duress and learned Single Judge has rightly granted the relief in favor of the respondents.

6. From the facts placed on record, it is undisputed that at the time of death of the employee concerned, there was no Policy for grant of compassionate appointment. As per the Policy applicable, the benefit of solatium as well as special family pension was extended to the widow of the deceased employee. It was only subsequently, in the year 2013 that the Policy of compassionate appointment was introduced. The appellants extended such Policy with retrospective effect vide scheme dated 06.05.2014 as per which compassionate appointment could be offered to the employees who died in harness till 16.04.2010, provided the benefits already availed are returned along with 12% interest. It was a conscious call on part of the respondents to have refunded the amount and accept the compassionate appointment. The act of the respondents, therefore, clearly amounted to acquiescence on part of the heirs of the deceased employee. Having accepted the terms of the Scheme and availed the benefit of

compassionate appointment, it would not be open for the respondents then to turn around and claim refund of the said amount.

7. So far as the applicability of the judgement of the **Rafiq Masih** (Supra) is concerned, we find that the judgment of the Hon'ble Supreme Court was in entirely different facts and circumstances and was intended to benefit Class III and IV employees, who were required to return the amount wrongly paid to them. This is not the case here. The financial benefit to the respondents was extended in terms of the then applicable Policy.

8. The question was as to whether a subsequent Policy could be availed by the respondents or not?

9. The appellants made it clear that such subsequent Policy can be made applicable only if the benefit already availed are returned along with interest. An option, therefore, was extended to the respondents to accept such Policy or not. In the event, terms of the Policy were not acceptable to the respondents, they could either refused to accept it or challenge it. However, none of it was done by them. Instead, the Policy was accepted by returning the amount along with interest. Any subsequent attempt to claim return of the benefit already paid to the employer, would thus, amount to an afterthought and would clearly be hit by the principles of acquiescence and estoppel.

10. Learned counsel for the respondents also places reliance upon a scheme of the Punjab Power State Corporation Ltd. to state that in similar circumstances, the decision has been taken by the State not to levy interest of 12% on the amount of solatium and special family pension. The Policy

dated 22.08.2025, cannot be extended to the Board which is a separate identity.

11. We are therefore, of the view the learned Single Judge was not justified in directing refund of the amount already deposited by the respondents for securing the compassionate appointment.

12. This Appeal consequently succeeds and is allowed. The impugned judgment and order of the learned Single Judge is set aside and the Writ Petition stands dismissed.

13. We are otherwise informed that the regular family pension which is admissible to the widow of the deceased employee, continues to be paid to her from the date of death of the employee of the concerned.

14. Pending application(s), if any, in this case, are disposed of accordingly.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

December 3, 2025
Ess Kay

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