



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

CWP-8981-2020

Date of decision : 01.04.2026

Kewal Krishan Singla

...Petitioner

Vs.

Union of India and others

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. K.B.Sharma, Advocate for the petitioner.

Mr. Vishal Gupta, Advocate for respondent Nos.1 to 3.

Mr. Mahesh Dheer, Advocate and
Mr. Dheeraj Siwach, Advocate for respondent No.4.

HARSIMRAN SINGH SETHI, J.(Oral)

1. In the present petition, challenge is to the order passed by the Central Administrative Tribunal, Chandigarh dated 12.03.2020 (Annexure P-4) by which the re-fixation of the pension of the petitioner and consequent recovery, has been upheld.

2. Learned counsel appearing on behalf of the petitioner argued that the petitioner retired from service on attaining the age of superannuation on 31.08.2005 and thereafter, his pension was fixed by issuing a pension payment order on 30.09.2005 (Annexure A-6) fixing his pension as Rs.7219/-. Learned counsel for the petitioner submits that subsequently, petitioner made a representation for enhancement of his pension and his pension was enhanced at his instances, which enhancement was found to be incorrect, which led to the revision of the pension of the petitioner with consequent recovery of the excess amount.

3. Learned counsel for the petitioner submits that once the petitioner had retired, no recovery could have been made, even if, the pension was to be revised, and therefore, the law on the said issue as settled by the Hon'ble Supreme Court of

India in *State of Punjab and others Vs. Rafiq Masih (White Washer) and others, 2015 (1) S.C.T.195* could have been made applicable, and therefore, the impugned order passed by the learned Tribunal is liable to be set aside.

4. Learned counsel for the respondents on the other hand submits that the enhancement of the pension of the petitioner was due to mis-representation on the part of the petitioner in claiming the relevant benefits and once the said mis-representation was discovered, coupled with the fact that at the time of issuance of the pension, an undertaking was given by the petitioner that he will be bound to refund the relevant benefits in case of any incorrect fixation after the same is rectified, the re-fixation of the pension along with recovery is perfectly valid and legal and is covered by the judgment of the Hon'ble Supreme Court of India in *High Court of Punjab and Haryana and others Vs. Jagdev Singh, 2016 (4) SCT 286*.

5. We have heard the learned counsel for the parties and have gone through the record with their able assistance.

6. The first argument which has been raised by the learned counsel for the respondent is that even if the pension was wrongly fixed by the respondents, the recovery cannot be made after the retirement as per the judgment of the Hon'ble Supreme Court of India in Rafiq Masih's case (supra) It may be noticed that after noticing the judgment of the Hon'ble Supreme Court of India in Rafiq Masih's case (supra) in Jagdev Singh's case (supra), it has been held that where an undertaking has been given by the employee concerned at the time of receiving the benefit that in case the fixation of the pension is incorrect, not only the same can be re-fixed, but recovery can also be made from the employee.

7. Learned counsel for the petitioner has not been able to rebut the said principle of law. When said settled principle of law is applied, the order passed by the respondent is within the jurisdiction conferred by the judgment of the Hon'ble Supreme Court of India in Jagdev Singh's case.

8. Further, in paragraph 8, the Tribunal has recorded a finding that the enhancement of the pension, which enhancement was subsequently withdrawn, was at the instance of the petitioner himself, and that he was instrumental in obtaining a higher emoluments than what he was entitled to. Once such a finding has gone un-rebutted, even during the course of hearing, allowing the petitioner to retain the excess amount received beyond his entitlement, would amount to putting a premium on an illegal act committed by the petitioner. A person cannot be allowed to retain an amount obtained due to mis-representation. Rather, the mis-representation vitiates everything.

9. Keeping in view the totality of the circumstances, no ground is made out for interference by this Court.

10. The petition stands dismissed.

11. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

01.04.2026
vanita

Whether speaking/reasoned :	Yes
Whether Reportable :	No