



LPA-72-2024 AND LPA-274-2024

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

**202 (I) LPA-72-2024
Date of Decision : July 22, 2025**

RAKSHA KAUSHIK AND OTHERS -APPELLANTS

V/S

STATE OF HARYANA AND OTHERS -RESPONDENTS

(II) LPA-274-2024

RULDI DEVI -APPELLANT

V/S

UNION OF INDIA AND OTHERS -RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Vishal Aggarwal, Advocate
for the appellants.

Mr. S.K. Sharma, Sr. Panel Counsel
for the respondent(s)-U.O.I.

Mr. Sanjeev Kaushik, Addl. A.G., Haryana and
Mr. Saurabh Mohunta, D.A.G., Haryana.

KULDEEP TIWARI, J.

1. Both these Letters Patent Appeals are amenable for being decided through a common verdict, on account of their enveloping a common prayer and a common issue for adjudication.

2. Fetching grievance from the orders passed by the District Social Welfare Officer concerned, whereby, not only was their old age pension discontinued but recovery of the disbursed pension amount was also ordered, the appellants had approached this Court by filing CWP-3198-2021

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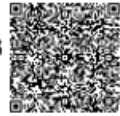
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and CWP-20629-2021, thereby seeking quashing of the above orders. However, they remained unsuccessful, as the learned Single Judge dismissed their writ petitions through drawing separate orders dated 19.09.2023.

3. There is no wrangle amongst the contesting litigants that, vide notification dated 22.03.2012, the Government of Haryana increased the upper income limit from ₹ 50,000/- to ₹ 2,00,000/- per annum, from all sources including income of the spouses, for claiming benefit under the Old Age Samman Allowance Scheme.

4. The case set up by the appellants before the learned Single Judge was that, they are the spouses of pensioners and at the time when they applied for grant of old age pension, they were duly eligible for the same inasmuch as their total family income from all sources, including pension of their spouses, was less than ₹ 2,00,000/- per annum. However, pursuant to implementation of the recommendation of 7th Pay Commission in 2016, their total family income from all sources surpassed the upper income limit of ₹ 2,00,000/- per annum. On account of surpassing of the upper income limit, the District Social Welfare Officer concerned discontinued their old age pension and also ordered recovery of the disbursed pension along with interest.

5. The learned Single Judge, having considered the fact that there are thousands of illegal and ineligible beneficiaries within a single district, observed that any unnecessary gracious indulgence shown by a court of law, especially when the issue appertains to the abuse of public funds in social welfare schemes, could not be justified. It was further observed that this Court, by order dated 29.08.2012 passed in CWP-13209-2011, had accepted

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the undertaking of the State to recover the wrongly disbursed pension. Therefore, any unwarranted leniency shown towards the appellants by directing the department(s) concerned not to effect recovery would dilute the earlier orders passed by this Court.

6. By recording the above observations in its orders dated 19.09.2023, the learned Single Judge dismissed the appellants' writ petitions. Consequently, the said orders are put to legal scrutiny of this Court in these intra court appeals.

7. During the course of arguments, the learned counsel for the appellants was unable to satisfy this Court that the appellants are eligible to claim benefits under the Old Age Samman Allowance Scheme. Admittedly, the total family income of the appellants from all sources now exceeds ₹ 2,00,000/- per annum, which is beyond the eligibility criteria prescribed in the Scheme. **Therefore, there is no error in the decision taken by the concerned authority/department to discontinue the appellants' old age pension.**

8. Insofar as the recovery sought to be effected from the appellants is concerned, the learned counsel for the appellants argued that, there is no dispute with regard to the fact that, at the time of applying for old age pension, the appellants were duly eligible for the same inasmuch as their total family income from all sources was less than ₹ 2,00,000/- per annum. It was solely on account of implementation of the recommendation of the 7th Pay Commission that the total family income from all sources surpassed the upper income limit of ₹ 2,00,000/- per annum.

9. While referring to the example of one Nirmala Kaur (one of the

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petitioners before the learned Single Judge/proforma respondent herein), the learned counsel for the appellants submitted that, she is the wife of a retired Lab Assistant, who was working with the Education Department, Government of Haryana. She received old age pension from the year March 2019 to February 2021. On account of implementation of the recommendation of the 7th Pay Commission, the income of Nirmala Kaur's spouse marginally exceeded the upper income limit of ₹ 2,00,000/- per annum, which resulted in discontinuation of her old age pension and recovery of ₹ 57,765/- was sought to be effected from her.

10. Continuing his arguments, the learned counsel for the appellants submitted that, the appellants are the spouses of Class 'C' and 'D' employees and it is not a case of misrepresentation or fraud, rather the appellants were duly eligible for the old pension when they applied for it. Therefore, the recovery, which is sought to be effected by the State Government on the basis of above technical grounds, is completely arbitrary.

11. This Court has examined the impugned recovery orders as well as the orders rendered by the learned Single Judge. There is no dispute that unwarranted gracious indulgence towards persons, who abuse public funds particularly those related to social welfare schemes, is unjustified. However, this Court cannot ignore the fact that, at the time of applying under the Old Age Samman Allowance Scheme, the appellants were fully eligible, and it is solely due to the subsequent implementation of the 7th Pay Commission's recommendations that the annual pension of their respective spouses increased marginally above the upper income limit of ₹ 2,00,000 per annum, thereby rendering them ineligible for the old age pension. The recovery of

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wrongful payments made, but without any fault on the part of the beneficiaries and that too when they belong to the lower strata, would certainly be a violation of equity and fairness. Moreover, such recovery shall not be enforced unless it is established that the undue benefits accrued on account of misrepresentation or fraud.

12. Consequently, this Court **sets aside the impugned orders only to the extent of recovery part.**

13. Before parting, this Court would like to make it clear that the recovery part of the impugned orders has been set aside purely in view of the peculiar facts and circumstances of the present case, and this order shall not create any embargo upon the State Government to effect recovery from persons who claimed benefits of public schemes by misrepresentation or fraud

14. **Disposed of accordingly.**

15. A photocopy of this order be placed on file of connected case.

(ASHWANI KUMAR MISHRA)
JUDGE

(KULDEEP TIWARI)
JUDGE

July 22, 2025
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No