



CWP-8370-2021(O&M)

-1-

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

261

CWP-8370-2021(O&M)
Date of Decision :23.07.2025

Surinder Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: None for the petitioner.

Mr. Kanav Singla, AAG, Punjab for respondent-State.

Mr. Vikas Chatrath, Advocate with
Mr. Sachit Katoch, Advocate for respondent-Bank.

* * *

Harsimran Singh Sethi, J. (Oral)

1. Reply filed on behalf of respondent No.2-Bank in the Court today is taken on record.
2. In the present petition, the challenge is to the recovery notice dated 04.01.2021 (Annexure P/2) issued by the respondent-Bank by which, the family pension of the petitioner has been refixed and recovery has been ordered on the ground that excess pension has been paid to the petitioner.
3. The grievance which is being raised by the petitioner is that without giving any opportunity of hearing, the family pension of the petitioner, which was granted to her after the death of her husband, has been reduced substantially by the respondent-Bank and recovery is being done from her, which is incorrect as no recovery can be effected from a retired employee especially without giving any opportunity of hearing.
4. Learned counsel for the respondent-Bank submits that a notice



CWP-8370-2021(O&M)

-2-

dated 04.01.2021 (Annexure P/2) was given to the petitioner and an opportunity was given to the petitioner to rebut the said proposal but as nothing was received from the petitioner up to the date required therefore, the action has been taken and hence, the recovery of the excess amount from the petitioner is valid.

5. No one has put in appearance on behalf of the petitioner.
6. I have heard learned counsel for the respondent-Bank and have gone through the record with his able assistance.
7. It is a settled principle of law that in case, any action of the authority causes financial distress to a retired employee, notice is must. The notice should also carry the details as to on what account the family pension already being paid is to be reduced so that the beneficiary concerned or the family pensioner can rebut the same effectively.
8. In the present case, the argument of the learned counsel for the respondent-Bank that the notice dated 04.01.2021 (Annexure P/2) was given to the petitioner, cannot be accepted as the same only pertains to the recovery of the excess amount which shows that the respondents had already made up their mind to recover the amount from the petitioner hence, the same cannot not be treated as an effective notice especially, when no reason was given in the said notice as to why the family pension of the petitioner was being reduced hence, the reduction of the family pension and consequent recovery from the petitioner cannot be upheld.
9. Learned counsel appearing for the respondent-Bank has not been able to show that before reducing the family pension of the petitioner, any notice was given to the petitioner. Rather straight away, a demand notice was given to the petitioner to deposit the excess amount paid, which is



CWP-8370-2021(O&M)

-3-

incorrect.

10. The impugned notice dated 04.01.2021 (Annexure P/2) reducing the family pension to the detriment of the petitioner as well as proposed recovery is set aside.

11. However, the respondent-Bank is given liberty to proceed in accordance with law by giving due notice to the petitioner by giving due reasons as to on what account, the respondent-Bank intends to reduce the family pension of the petitioner so that the petitioner could effectively rebut the same. Further, the settled principle of law settled by the Hon'ble Supreme Court of India in *State of Punjab and others Vs. Rafiq Masih (White Washer) etc., 2015(1) S.C.T., 195* and *Civil Appeal No.7115-2010 titled as Thomas Daniel vs. State of Kerala and others* wherein, it has been held that no recovery can be done from a retired employee especially, when there was no motive or misrepresentation attributed to the retired employee/family pensioner concerned, should also be kept in mind. It would be appreciated in case, the petitioner is given opportunity of personal hearing so that she can explain better.

12. It may be noticed that any recovery already effected from the petitioner on the basis of the notice dated 04.01.2021 (Annexure P/2), which has been set aside, will be refunded back to the petitioner subject to the fresh order to be passed.

13. Present petition is disposed of in above terms.

14. Civil miscellaneous application pending if any is also disposed of.

July 23, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No