(2026) 08 P&H CK 5072

In the Punjab And Haryana At Chandigarh

Case No : CWP No. 2496-2025 (O&M)

Harnek Singh APPELLANT

Vs

Director Of India & Anr. RESPONDENT

Date of Decision : 04-08-2026

Acts Referred:
Constitution of India — Article 226

Citation : (2026) 08 P&H CK 5072

Hon'ble Judges : Sudeepti Sharma, J

Bench : Single Bench

Advocate : Mr. G.S. Thind, Mr. Tapan Masta, Mr. Anirudh Kaushal, Mr. Devender Rattan

Judgement

Sudeepti Sharma , J.

1. Challenge in the present writ petition filed under Article 226 of the Constitution of India is for issuance of writ in the nature of certiorari for quashing order dated 18.09.2024 and 23.10.2024, whereby pension of the petitioner has been revised and amount of Rs.7,75,532/- was ordered to be recovered from him on account of excess paid pension.

2. Learned counsel for the petitioner contends that the recovery of Rs.7,75,532/- could not be effected from the petitioner. He, therefore prays that the present petition be allowed.

3. Per contra, learned counsel for respondent No. 1 and 2 contends that recovery is effected from the petitioner because of excess payment of pension for which the petitioner also gave an undertaking that he would refund the excess amount wrongly granted to him. He, therefore, prays for dismissal of the writ petition.

4. Learned counsel for respondent No. 3. submits that respondent No. 3 is Bank i.e the disbursing authority and it is only to implement the directions of the competent authority. He, therefore, prays for dismissal of the writ petition.

5. I have heard learned counsel for the parties and perused the whole file of this case with their able assistance.

6. Before proceeding further, it would be apposite to reproduce the relevant portion of reply filed by respondent No. 1 dated 12.11.2025. The same reads as under:-

> **"PRELIMINARY OBJECTION FOR AND ON BEHALF OF RESPONDENT NO. 1**
>
> ***xxx xxx xxx***
>
> 1. *That it is submitted at the threshold that the impugned (i) CPAO Revision Authority dated 18.09.2024 and (ii) the consequential intimation by SBI-CPPC dated 23.10.2024 are strictly in accordance with the Extra Ordinary Family Pension (EOFP) scheme as applicable to the case of the petitioner under Government of India instructions and the 6th and 7th Central Pay Commission (CPC) regimes. The writ petition, being misconceived and bereft of merits, deserves dismissal.*
>
> 2. *That the petitioner's son No. 921340637 CT/GD Man Singh died on 12.07.1996 due to accidental fall from a running train while on bona fide government duty. In terms of the Government of India, Department of Pension & Pensioners' Welfare OM No. 45/22/97-P&PW(C) dated 03.02.2000 (EOFP categorization), the case is covered under Category "C" (accidental death on duty), entitling the parents to EOFP. A copy of the OM dated 03.02.2000 is annexed herewith and marked as ANNEXURE R-1.*
>
> 3. *That family pension commenced w.e.f. 13.07.1996 vide PPO No. 239039800653, granting family pension @ Rs. 1,275/- p.m. to the parents of the deceased. A copy of PAO, CRPF, New Delhi letter No. CRPF/96/1659/FP/PA-2 dated 10.11.2000 is annexed herewith and marked as ANNEXURE R-2.*
>
> 4. *That under the 6th CPC, EOFP stood at the statutory minimum of Rs. 3,500/- p.m. w.e.f. 01.01.2006. An earlier fixation at Rs. 5,250/- p.m. w.e.f. 01.01.2006 was subsequently found to be incorrect and was corrected by the competent authorities. PAO, CRPF issued corrective revision to Rs. 3,500/- p.m. and CPAO issued the Special Seal Authority (SSA) on 11.03.2013 for implementation by the Pension Disbursing Authority. A copy of PAO letter dated 15.01.2013 revising EOFP to Rs. 3,500/- p.m. is annexed as ANNEXURE R-3.*
>
> 5. *That despite the above correction, the bank did not implement the CPAO/PAO-authorized revision to Rs. 3,500/- p.m., thereby causing overpayment. This fact is recorded in the PAO, CRPF, New Delhi letter No. CRPF/96/1659/FP/PA-2 dated 16.08.2024, which also directed that any earlier overpayment be adjusted by the bank. A copy of PAO letter dated 16.08.2024 (7th CPC revision and adjustment directions) is annexed as ANNEXURE R-4.*
>
> 6. *That under the 7th CPC, EOFP for the present case stood at Rs. 9,000/- p.m. w.e.f. 01.01.2016. CPAO accordingly issued the Revision Authority No 239039800653/4469175/A4 dated 18.09.2024, inter alia recording that upon death of one parent, EOFP @Rs. 9,000/- p.m. is payable to the surviving parent (with DR as admissible). A copy of the CPAO Revision Authority dated 18.09.2024 is annexed herewith and marked as ANNEXURE R-5.*
>
> 7. *That consequent to the CPAO Revision Authority and in view of prior non-implementation of the 2013 correction, SBI-CPPC, Chandigarh issued letter No. CPPC/AKJ/225 dated 23.10.2024 raising a due-drawn statement for the period 01.01.2016 to 31.10.2024 and intimating quantified overpayment of Rs. 7,75,532/-. Importantly, the*

said letter afforded the petitioner 10 days to submit objections and offered an opportunity of personal hearing, while proposing recovery in modest monthly instalments of Rs. 4,833/- p.m. w.e.f. November 2024. A copy of SBI-CPPC letter dated 23.10.2024 is annexed as ANNEXURE R-6.

8. *That the technical and accounting position has been clarified by PAO CRPF vide Signal No. CRPF/1996/1659/FP/PA-2/PRC dated 09.07.2025, confirming that: (i) fixation at Rs. 5,250/- p.m. from 01.01.2006 was incorrect; (ii) it was corrected to Rs. 3,500/- p.m. via CPAO SSA dated 11.03.2013; (iii) the bank failed to implement the correction; and (iv) the 6th/7th CPC revisions issued in 2024 are correct. A copy of the PAO Signal dated 09.07.2025 is annexed herewith and marked as ANNEXURE R-7."*

7. A perusal of the above referred to reply filed by respondent No. 1 shows that there was mistake in the fixation of pension, which was rectified by respondent No. 1 due to which recovery is effected from the petitioner. Further, the petitioner himself gave an undertaking of right to recover inadmissible/excess amount paid to the petitioner by respondents.

8. Hon'ble the Supreme Court in a case of ***High Court of Punjab and Haryana and others vs. Jagdev Singh, 2016 (4) SCT 286*** has held that the officer who furnished undertaking while opting for the revised pay scale, is bound by the same. Further that the undertaking given by the employee while opting for and getting payment of arrears on account of revised pay scale to refund any excess payment made to him in case he is not found entitled to any part thereof. The relevant portion of the same is reproduced below:-

"9 . The submission of the Respondent, which found favour with the High Court, was that a payment which has been made in excess cannot be recovered from an employee who has retired from the service of the state. This, in our view, will have no application to a situation such as the present where an undertaking was specifically furnished by the officer at the time when his pay was initially revised accepting that any payment found to have been made in excess would be liable to be adjusted. While opting for the benefit of the revised pay scale, the Respondent was clearly on notice of the fact that a future re-fixation or revision may warrant an adjustment of the excess payment, if any, made.

10. *In* ***State of Punjab & Ors etc. vs. Rafiq Masih (White Washer) etc, 2015 (1) SCT 195: 2015 (1) RAJ 104: (2015) SCT 195,*** *this Court held that while it is not possible to postulate all situations of hardship where payments have mistakenly been made by an employer, in the following situations, a recovery by the employer would be impermissible in law:*

"(i) *Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).*

(ii) *Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.*

(iii) *Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.*

(iv) *Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.*

(v) *In any other case, where the Court arrives at the conclusion, that recovery if made*

> *from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover." (emphasis supplied).*
>
> *11 The principle enunciated in proposition (ii) above cannot apply to a situation such as in the present case. In the present case, the officer to whom the payment was made in the first instance was clearly placed on notice that any payment found to have been made in excess would be required to be refunded. The officer furnished an undertaking while opting for the revised pay scale. He is bound by the undertaking."*

9. In view of the law laid down by Hon'ble the Supreme Court in the above referred to judgment, I do not find any merit in the present writ petition.

10. Accordingly, the present writ petition is ***dismissed***.

11. Pending application (s) if any also stands disposed of.

