
(2010) 03 P&H CK 0293
In the Punjab And Haryana At Chandigarh

Jaswinder Singh and Others

APPELLANT

Vs

Punjab State Electricity Board and Others

RESPONDENT

Date of Decision : 12-03-2010

Acts Referred:

Citation : (2010) 03 P&H CK 0293

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Final Decision : Allowed

Judgement

K. Kannan, J.—The petitioners seek for the correct value of the commuted pension to refund Rs. 45,475/- which was alleged to have been illegally recovered on the ground that the amount had been paid in excess. The statement in defence is that the petitioner had already filed a Civil Suit in which the very same relief which he had asked in the petition, had been rejected and the petitioners are barred by the principle of res judicata in urging for the same relief through this writ petition.

2. I have gone through the copy of the judgment delivered in Suit No. 144 of 2006 before the Civil Judge (Junior Division), Patiala. The suit had been for declaration that he was entitled to higher scales of pay and the terminal benefits shall be re-worked on the basis of the correct pay that he was entitled to. The petitioners were also making a plea for ascertainment of sum and for grant of all the monetary benefits. In this case, they have also sought for the encashment, gratuity and commutation of the pension on such a revised basis. In the writ petition, however, the contention is that even if the last drawn pay was to be accepted in the manner in which the respondents were contending and without deviating from what the Civil Court had already held, the petitioners last drawn pay was Rs. 9,700/- and as per the commutation table referred to under the relevant Pension Rules 11.5(2), for a person, who was claiming commutation at the age of 59 years, the commutation value that expresses the number of years purchase is 10.46. The commuted value of pension is, according to the

petitioners, as set out through para 6 of the petition is $9700/2 \times 40/100 \times 12 \times 10.46$. In the written statement filed by the respondents, apart from contending that the commuted value of pension had been given, the mode of calculation as given in the petition itself, has not been challenged. The amount which it works out is Rs. 2,43,509/- and that the amount that has been paid to the petitioner is only Rs. 1,40,146/-. The balance of the amount still remain payable and the same be paid within a period of 8 weeks with interest at 7.5% from the time when it became payable to the date of payment. As regards the other part of the relief claiming refund of the amount recovered from the petitioners on the basis of excess payment alleged to have been paid by the respondents, the matter has already been concluded by the Civil Court where the claim was rejected for higher scales. The petitioners' prayer with regards to the refund, therefore, stands rejected. The writ petition is allowed accordingly.