



CWP-13127-2015

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

203

CWP-13127-2015

Date of Decision: 05.03.2026

RULI SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Nitin Verma, Advocate on behalf of
Mr. Surinder Thakur, Advocate for petitioner

Mr. Aman Dhir, D.A.G., Punjab

Mr. Vikas Chatrath, Senior Advocate with
Mr. Anirudh Malhan, Advocate,
Mr. Abhishek Sharma, Advocate and
Mr. Navdita Rathore, Advocate
For respondent Nos.2 & 3

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 14.05.2015 whereby respondent has ordered to recover from him a sum of Rs.3,41,879/- alleging excess payment.

2. The petitioner joined Punjab Police as Constable in 1966. He was promoted as Head Constable in 2000. The respondent in 2015 formed an opinion that petitioner's pension was wrongly fixed w.e.f. 01.01.2006. There was excess payment to the tune of Rs.4,32,179/-. The respondent recovered a



CWP-13127-2015

sum of Rs.90,300/- and by impugned order, ordered to recover Rs.3,41,879/- in monthly installments of Rs.4300/- each.

3. Learned counsel for the petitioner submits that there was no lapse or connivance on the part of petitioner in fixation of his pension. The respondent paid pension as per its calculation from 2006 to 2015 and after 9 years started recovery of aforesaid amount. He does not press refund of already recovered amount, however, further recovery in view of judgment to Hon'ble Supreme Court in ***State of Punjab & Ors. V/s Rafiq Masih (White Washer), 2015 (4) SCC 334*** may not be effected.

4. Learned counsel for respondent Nos.2 & 3 submit that there was wrong calculation of pension. It was clerical mistake on the part of Bank official. The petitioner had submitted undertaking to refund excess payment, thus, as per judgments of this Court as well as Hon'ble Supreme Court in ***High Court of Punjab & Haryana V/s Jagdev Singh, Law Finder Doc Id # 781043***, he was bound to refund excess payment. There was customer and service-provider relationship between petitioner and bank, thus, bank has every right to effect recovery of excess payment.

5. Heard the arguments and perused the record.

6. While issuing notice of motion on 06.07.2015, further recovery was stayed. During the course of hearing, learned counsel for the petitioner pointed out that petitioner is bedridden. The excess payment was made from 2006 to 2015. Concededly, there was no lapse or connivance or fraud or misrepresentation or concealment of fact on the part of petitioner. He had retired in 2000 and was regularly getting pension. There was concededly mistake on the part of respondent-Bank. The Bank has already recovered a sum of Rs.90,000/- and petitioner is not seeking refund of said amount. He is



CWP-13127-2015

claiming that further recovery may not be effected. The respondent is relying upon petitioner's undertaking which was not for an indefinite period and giving absolute right to effect recovery with respect to payment which was made during last more than 5 years.

7. In the light of judgment of Hon'ble Supreme Court in *Rafiq Masih (supra)*, this Court is of the considered opinion that interim order dated 06.07.2015 deserves to be made absolute. Accordingly, the order dated 06.07.2015 passed by this Court is hereby made absolute.

8. Allowed in above terms.

9. Pending Misc. application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

05.03.2026

SDK

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No