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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 1481/2025, CM APPL. 7214/2025, CM APPL. 7215/2025
& CM APPL. 7216/2025

SWARN CHADHA

.....Petitioner

Through: Mr. Karan Luthra, Mr. Yogesh
Malik and Mr. Rohan Dua,
Advocates.

versus

STATE BANK OF INDIA & ORS.

.....Respondents

Through: Mr. Arun Sanwal, Advocate for the
R-2 – CSIR.
Mr. Rajesh Mishra, SSC UOI with
Ms. Anita R. Mishra and Ms.
Meenal Duggal, Advocates for R-
3.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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06.02.2025

CM APPL. 7215/2025 & CM APPL. 7216/2025 (for exemption)

Exemption allowed, subject to all just exception.

The applications stand disposed of.

W.P.(C) 1481/2025 & CM APPL. 7214/2025

1. Issue notice. Mr. Arun Sanwal, learned counsel, accepts notice on behalf of respondent No.2 - Council of Scientific and Industrial Research ["CSIR"]. Mr. Rajesh Mishra, learned counsel, accepts notice on behalf of respondent No.3 - Union of India. Service may be made to respondent No.1 - State Bank of India, through their nominated counsel - Mr. Rajiv

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Kapur.

2. The petitioner is a senior citizen, approximately 88 years of age. She has filed this writ petition in respect of a recovery being made from the family pension received by her from her late husband's employer.

3. The petitioner's late husband – Shri K.G. Chadha, was an employee of respondent No.2- CSIR, and he retired on 24.09.1990. After his death on 19.01.1998, the petitioner has been receiving family pension. The petitioner has placed on record her pension slips for the month of August 2024 [Annexure P-7 to the writ petition], which shows an entitlement to pension of Rs.40,775/-, from which an amount of Rs.13,591/- was deducted by way of recovery, and the petitioner was paid an amount of Rs.27,184/-.

4. The petitioner received a communication dated 04.09.2024 from respondent No.1- State Bank of India [“SBI”], stating that during scrutiny, it was discovered that she has been receiving old-age benefits since September 2010, due to incorrect date of birth. Her date of birth has since been corrected, and an over payment of Rs.5,49,462/- was being recovered, in terms of a recovery sheet annexed thereto.

5. Mr. Karan Luthra, learned counsel for the petitioner, submits that the petitioner does not wish to challenge the re-fixation of her family pension upon correction of her date of birth in the record of the respondents. However, he submits that the recovery of the additional amount, allegedly paid to the petitioner since 2010, is contrary to the judgments of the Supreme Court in *State of Punjab and Others v. Rafiq Masih (White Washer) and Others*, reported in [(2015) 4 SCC 334], and *Thomas Daniel v. State of Kerala*, [(2022) SCC OnLine SC 536].



6. Mr. Luthra points out that the error, if any, was on the part of the respondents, and there was no misrepresentation, at any stage, by the petitioner or her late husband as to her date of birth. The clear case of the petitioner is that her correct date of birth was submitted to the respondents at the time of her husband's retirement in the year 1990, as evidenced by the Pension Payment Order [page No.63 of the writ petition in Annexure P-4 to the writ petition].
7. Having regard to the aforesaid judgments, and to the fact that *prima-facie* there does not appear to be any misrepresentation on the part of the petitioner or her late husband, the respondents are directed not to make any further recovery from the pension payable to the petitioner, subject to further orders to be passed in the writ petition. It is made clear that the monthly pension may be paid at the newly fixed rate, based on the petitioner's correct date of birth, but the recovery of allegedly excess amounts paid in the past will remain stayed until the next date of hearing.
8. Counter affidavits be filed within four weeks from today. Rejoinder thereto, if any, be filed within two weeks thereafter.
9. List on 22.05.2025.

PRATEEK JALAN, J

FEBRUARY 6, 2025
SS/SD/