



2026:PHHC:075501-DB



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225 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.151 of 2021(O&M)
Date of Decision : 13.05.2026

THE MANAGER, CENTRAL BANK OF INDIA, NICOLSON ROAD,
AMBALA CANTT. AND ANOTHER

.....Petitioners

VERSUS

VED PARKASH CHAWLA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
 HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Deepak Jindal, Advocate for the petitioners.

 Mr. Shailender Sharma, Advocate for respondent No.1.

 Mr. Pankaj Gupta, Senior Panel Counsel
 for respondent Nos.2 to 4-UOI. (*joined through V.C.*)

HARSIMRAN SINGH SETHI, J. (Oral)

1. The present petition has been filed challenging the order dated 09.10.2019 (Annexure P-3) passed by the Central Administrative Tribunal (hereinafter referred to as the “Tribunal”) in OA No.060/1506/2018, whereby the impugned order of recovery dated 22.11.2018 (Annexure A-7) sought to be effected from respondent No.1 on account of excess payment from his pension in installments has been set aside.

2. Learned counsel for the petitioner-Bank submits that the respondent No.4 had passed a Pension Payment Order dated 02.06.2015 prescribing the pension of respondent No.1 as Rs.8608/- per month to be



paid to him, but while feeding the said data into the computer, the same was wrongly entered as Rs.12913/-.

3. Learned counsel for the petitioners further submits that from day one, respondent No.1 knew that he was receiving pension in excess of his entitlement, keeping in view the fact that the correct entitlement was mentioned in the Pension Payment Order, yet respondent No.1 continued to accept the pension beyond his entitlement.

4. Learned counsel for the petitioners submits that once payment in excess of entitlement was accepted by the respondent No.1 with due knowledge, the same is liable to be recovered.

5. Learned counsel appearing on behalf of the respondents submits that once, there was no fraud played on their part and the mistake was on the part of the petitioner-Bank itself to pay the pension more than the entitlement of respondent No.1 later, the recipient cannot be troubled by seeking recovery of the excess amount paid. Even as per the judgment of 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***, no recovery can be done from a Class III and class IV (Group 'C' and 'D') employees or from the retired employees or employees who are due to retire within one year of the order of recovery. Further even no recovery can be made from an employee who continues to get excess payment for a period in excess of five years before the same was withdrawn. Reliance is placed upon Paragraph No.12 of the said judgment.

6. Further, reliance has been placed by learned counsel for the respondent upon the judgment of the Hon'ble Supreme Court of India in



Civil Appeal No.7115 of 2010 titled as Thomas Daniel versus State of Kerala and others, decided on 02.05.2022, to contend that where an employee was not at fault with regard to the excess payment of emoluments or allowance given to the employee, the same cannot be recovered later on merely because the employer had wrongly calculated the pay/allowance as such a recovery would cause hardships to the employee concerned.

7. Learned counsel for the respondents further argues that no details have been furnished as to how the total amount sought to be recovered from respondent No.1 has been calculated and, therefore, on this account, the recovery sought to be effected from respondent No.1, is incorrect.

8. We have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

9. In the present case, the question is whether the excess payment made to respondent No.1 was within his knowledge or not and whether, in the facts and circumstances of the present case, the petitioners can be permitted to recover the excess amount paid.

10. It is a conceded position that the respondent-Department had issued a Pension Payment Order in the year 2008 wherein the pension entitlement of respondent No.1 was fixed at Rs.8608/- per month w.e.f 01.01.2006. However, while feeding the said amount into the computer, the same was wrongly entered as Rs.12913/-. Respondent No.1 knew from day one that he was being paid more than his entitlement.



11. That being so, respondent No.1 cannot contend that no fraud was played in order to receive the said amount. A citizen of this country receiving pension from the Government is expected to inform the Government in case he/she is being paid beyond his entitlement.

12. The factum of payment beyond entitlement is evident as the Pension Payment Order was served upon respondent No.1, according to which his pension entitlement was Rs.8608/- per month apart from any admissible dearness allowance. Hence, the acceptance of pension in excess of his entitlement was with due knowledge to respondent No.1, as he ought to have brought the discrepancy to the notice of the Department/Bank, whereas he continued to receive an amount higher than his entitlement.

13. Hence, in the facts and circumstances of the present case, the same is liable to be treated as a fraud so as to permit the Department to recover the excess amount paid.

14. Further, it is the conceded position that at the time of receiving the revised pension, an undertaking was given by the respondent No.1 to refund the excess amount in case, paid. In such situations, the judgment of the Hon'ble Supreme Court of India in Civil Appeal No.3500 of 2006 titled ***"Punjab and Haryana High Court Vs. Jagdev Singh"***, decided on 29.07.2016 wherein, it has been held that where an undertaking has been given to refund the excess amount, the same has to be complied with. Relevant paragraph No.9 of the said judgment is as under:-

"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.”

15. Hence, keeping in view the said judgment as well, respondent No.1 is under an obligation to refund the excess amount paid. However, the submission regarding furnishing of undertaking on behalf of respondent No.1 has gone unrebutted.

16. Further, the Department is recovering the said amount from the pension of respondent No.1 only by imposing a cut not exceeding 1/3rd of the total pension to which he is entitled.

17. The last argument raised by learned counsel for respondent No.1 is that he has not been able to ascertain as to how the excess amount has been calculated.

18. It is submitted that in case any such grievance of respondent No.1 still persists, he may file an appropriate representation and any such representation, once submitted, shall be decided by the petitioners by taking into consideration the complete data of the payments made to respondent No.1, showing the details as to how much excess amount has been paid to him.

19. The said speaking order shall be passed within a period of **08 weeks** from the receipt of a copy of any such representation. In case any discrepancy is found in the total excess payment already calculated, the said discrepancy shall be corrected by passing an appropriate speaking order



determining the liability of respondent No.1 to refund the excess amount paid.

20. No other argument is raised.

21. Keeping in view the above, the order dated 09.10.2019 passed by the Tribunal, being perverse in the facts and circumstances of the present case, cannot be sustained and the same is accordingly set aside with liberty to the petitioners to recover the excess amount from respondent No.1 in terms of the observations made hereinabove.

22. Pending application(s), if any, shall stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

13-05-2026
Sapna Goyal

(DEEPAK MANCHANDA)
JUDGE

NOTE: Whether speaking/ reasoned: YES
Whether reportable: YES