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**(2025) 12 P&H CK 0014**

**Punjab And Haryana HC**

**Case No:** Civil Writ Petition No. 335 Of 2025

Joginder Pal Singh

APPELLANT

Vs

State Of Punjab And Ors

RESPONDENT

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**Date of Decision:** Dec. 4, 2025

**Acts Referred:**

- Constitution Of India, 1950-Article 226, 227

**Hon'ble Judges:** Jagmohan Bansal, J

**Bench:** Single Bench

**Advocate:** S.K. Rattan, Aman Dhir, Vikas Chatrath, Abhishek Singla, Priya Kaushik

**Final Decision:** Allowed

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### Judgement

Jagmohan Bansal, J

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of order dated 30.11.2024 whereby respondent-State Bank of India has ordered to recover a sum of Rs.11,22,889/- from the petitioner alleging excess payment during January' 2006 to April' 2019.

2. The petitioner who retired in July' 2004 is a pensioner. He is getting pension from State of Punjab which is disbursed through State Bank of India. The respondent-Bank by impugned order has ordered to recover a sum of Rs.11,22,889/- alleging that there was excess payment during January' 2006 to April' 2019.

3. Learned counsel for the petitioner submits that impugned order is contrary to judgment of Hon'ble Supreme Court in "State of Punjab and others vs. Rafiq Masih (White Washer) and others", (2015) 4 SCC 334. The respondent made excess payment, if any, from January' 2006 to April' 2019. The respondent has already recovered a sum of Rs.2.59 lakhs from joint account of the petitioner. The petitioner is a 70 years old man and excess payment cannot be recovered from his pension.

4. Learned Senior Counsel for the Bank submits that it is factually correct that there was no mistake, connivance, misfeasance or fraud on the part of petitioner, however, excess payment was made on account of wrong calculation of basic pay in 2009 which was revised with retrospective effect in view of implementation of recommendations of Punjab Pay Commission. In the computerized system, wrong figure of basic pay was picked up. The mistake continued and came in the knowledge of bank officials in 2019. Corrective measures were initiated. A sum of Rs.2.59 lac was recovered from savings account of the petitioner, however, remaining could not be recovered on account of interim orders of this Court. The respondent-Bank is a service provider. There was mistake on the part of Bank and petitioner cannot retain excess money. The petitioner cannot rely upon judgment of Rafiq Masih (supra). There are multiple judgments of this Court where recovery from pensioner has been upheld. The Bank cannot be penalized on account of mistake of an official. The petitioner has furnished undertaking to the effect that he would return excess payment, if any, made by Bank. He is bound by undertaking and cannot take somersault.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. From the perusal of record, it is evident that petitioner retired from Punjab Government on 31.07.2004. He started getting pension from State Government from the date of his retirement. The pension was released through State Bank of India. The respondent time to time revised petitioner's pension. In 2009, the respondent revised petitioner's pension w.e.f. 01.01.2006. No role was played by petitioner at the time of revision of pension. It was Bank or State Government which revised petitioner's pension. The respondent-Bank is claiming that there was wrong revision of pension. The Bank is not disputing the fact that there was no lapse or connivance or fraud on the part of petitioner. The Bank has already recovered a sum of Rs.2.59 lacs. The petitioner is not disputing said recovery and further revision of his salary from 2019. He is claiming that no further recovery of balance amount may be effected because it would reduce his pension. He is a 70 years old man and totally dependent upon pension. Any order of recovery from his pension would be harsh.

7. The respondent is relying upon undertaking of the petitioner. The said undertaking is disputed by petitioner on the ground that it is neither signed by him nor bears date. The Court has perused undertaking placed on record by respondent-Bank. Contention of petitioner seems to be correct. Be that as it may, the petitioner has not played role in the revision of pension. It is not a case of payment of higher pension for a particular month or few months. It is a case of payment of excess pension for 13 years. The respondent cannot hold petitioner responsible and ask to pay excess payment especially when State of Punjab has not asked or permitted to do so. The respondent firstly cannot rely upon disputed undertaking and secondly said undertaking cannot give unbridled and unguided authority to Bank to recover excess payment, if any, made on account of its own lapse and for a long period i.e. 13 years.

8. In the wake of above discussions and findings, this Court is of the considered opinion that respondent cannot recover amount over and above the already recovered. Ordered accordingly.

9. Allowed of in above terms.

10. Pending application(s), if any, stands disposed of.