IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

WRIT PETITION (S/B) NO. 85 of 2026

20th July, 2026

Govind Ballabh Pandey -----Petitioner

Versus

Directorate of Treasury Pension and Entitlement Uttarakhand Dehradun and another ----Respondents

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Presence:-
Mr. Bilal Ahmed, learned counsel for the petitioner through V.C.
Mr. S.M.S. Mehta, learned Standing Counsel for the State.

JUDGMENT : (per Mr. Manoj Kumar Gupta C. J.)

1. The present writ petition is directed against a communication dated 21.11.2025, whereby, the Senior Treasury Officer, Tehri Garhwal informed the petitioner about the amount which is to be recovered from the petitioner from his pension since November, 2025, towards the commutation of pension.

2. The petitioner had retired from the post of C.O. from District Tehri Garhwal on 31.07.2017. According to the Pension Payment Order dated 14.09.2017, the total pension before commutation was Rs.48,300/- + relief, and after commutation, Rs.28,980/- + relief. The total amount of commutation of pension was Rs.18,99,697/-. The commuted amount of pension was Rs.19,320/- per month. The monthly commutation was to start from November, 2017 and was scheduled to continue till August, 2025. However, it appears that by mistake and

inadvertence, the monthly deductions were not made and the petitioner continued to receive full pension. It is not disputed before us that the petitioner had duly received the commutation amount of Rs.18,99,677/- on 26.10.2017 and he did not point out to the Department that he was being paid full pension and monthly deductions were not made. The mistakes, it appears came to be noticed on an audit objection. Thereafter, the Department decided to make a further deduction of Rs.20,000/- per month from the monthly pension so that Rs.18,19,819/-, which would have been recovered if monthly deductions were made from November, 2017, as scheduled, is recovered. The petitioner was informed about the same by the impugned communication. Aggrieved thereby, the present writ petition has been filed.

3. The petitioner, as stated above, does not dispute that he continued to receive the entire pension without commutation every month. The submission however is that the Department was at the fault in not making monthly deductions, and, therefore, the Department has to suffer for the same and the amount cannot be recovered. The second submission is that the petitioner is a retired person and he has to sustain himself. The quantum of deduction is very high and should be reduced.

4. By our previous order dated 13.07.2026, we required the Standing Counsel to place on record the amount, which was being paid to the petitioner towards pension before the

deductions and also the amount, which he is getting at the present movement. Learned Standing Counsel has placed on record the instructions received from the Treasury Officer, Tehri, Garhwal. According to it, the commutation amount is Rs.18,99,697/-. Before the deduction started, inadvertently, the petitioner was paid full pension i.e. Rs.74,215/- per month. Now, as per the Pension Payment Order, Rs. 19,320/- is being adjusted on a monthly basis to recover the commutation amount. Further, a sum of Rs. 20,000/- per month is being recovered to recover the monthly deduction amounts, which remained undeducted in the past.

5. Learned counsel for the petitioner has not disputed that after adjustments and deductions aforesaid, the petitioner is still being paid Rs.37,310/- per month, as pension.

6. Learned counsel for the respondent submits that even when deduction is made at the present rate, it would still take several years to recover the amount, which is also not disputed by counsel for the petitioner.

7. We feel that when inadvertently, the petitioner was paid full amount of pension, without making monthly deductions, though the same was stipulated in the Pension Payment Order, it was also duty of the petitioner to have pointed out the said mistake to the Department. However, he continued to withdraw the entire amount of pension in addition to Rs.18,99,697/- received by him on 26.10.2017 as commutation

amount. Consequently, the petitioner is not entitled to retain the said amount with him.

8. The other submission that the amount which is being deducted is on a higher side also does not appear to have any force. The respondents are only deducting Rs. 20,000/- per month, in addition, to recover the amount, which ought to have been paid by the petitioner to the Department by now. The deductions even at the present rate, would have to continue for several years. The petitioner is still getting Rs.37,310/- per month. We also take note of the fact that while making the aforesaid deductions, the Government is not charging any interest from the petitioner. As such, we are not inclined to interfere in the matter.

9. The petition is accordingly dismissed.

10. Pending application, if any, also stands disposed of.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 20.07.2026
KKS/PP