

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Civil Writ Petition No.20404/2019

Kendriya Vidyalaya Sangathan, through its Commissioner, 18,
Institutional Area, Shaheed Jeet Singh Marg, New Delhi-110016

----Petitioner

Versus

S.M. Goyal S/o Late Shri Jugal Kishore Ji, Aged About 86 Years,
R/o 52/4, Agrasen Nagar, Near Old Prabhat Cinema, District
Ajmer (Raj)-305001, Retired Education Officer, KVS (RO) Jaipur.

----Respondent

For Petitioner(s) : Mr.Vijay Dutt Sharma, Adv.

For Respondent(s) : Mr.Rajendra Vaish, Adv.

**HON'BLE MR. JUSTICE AVNEESH JHINGAN
HON'BLE MR. JUSTICE ASHUTOSH KUMAR**

Order

31/07/2024

1. With the consent of learned counsel for the parties, the main case is taken up on Board today itself.
2. This petition is filed challenging the order of the Central Administrative Tribunal, Jaipur Bench Jaipur (for short 'the Tribunal') dated 03.09.2019.
3. The brief facts are that the respondent-employee retired from the post of Education Officer on 31.10.1992 and was granted pension as per Pension Payment Order (PPO) dated 01.11.1992. In the year 2001 pension fixed of the respondent-employee was revisited and ultimately an amount of Rs.17,659/- was found to be paid in excess and was recovered. Aggrieved of action of the petitioner, respondent-employee approached the Tribunal. The Tribunal considering that the recovery was made from a retired employee that too after more than five years and without

providing an opportunity the action was held it to be harsh and arbitrary. Consequently the recovery was quashed. Aggrieved of the order of the Tribunal, the present writ petition is filed.

4. Considering that respondent is retired in the year 1992 and at present is ninety years old; Super Senior Citizen and the amount involved in the present case is paltry. No case is made out for exercising writ jurisdiction.

5. The writ petition is dismissed.

6. It is made clear that this Court has not commented upon the merits of the case or decided the question of law involved. This decision shall not be considered as precedent.

(ASHUTOSH KUMAR),J

(AVNEESH JHINGAN),J