

**HIGH COURT OF TRIPURA  
AGARTALA**

**WP(C) 777 of 2024**

**Mahesh Lal Yadav**

son of late Govinda Lal Yadav,  
resident of Khejurbagan,  
P.S. NCC PS, West Tripura, Agartala

.....**Petitioner(s)**

**Versus**

**1. State Bank of India**

To be represented by the Chairman,  
State Bank Bhawan, M.C. Road, Nariman Point,  
Mumbai 400 021.

**2. The Regional Manager,**

State Bank of India (North Circle)  
Jagannath Bari Road, Agartala, Tripura

**3. The Branch Manager,**

State Bank of India, Kunjavan Branch  
Agartala, West Tripura, PIN- 799006

.....**Respondent(s)**

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For the Petitioner(s) : Mr. P. Roy Barman, Sr. Advocate  
Mr. Samarjit Bhattacharjee, Adv.  
Mr. K. Nath, Advocate  
Ms. S. Deb Barman, Advocate  
Ms. A. Debbarma, Advocate  
Mr. D. Paul, Advocate

For the Respondent(s) : Mr. Prabir Saha, Advocate.

Date of hearing & delivery  
of Judgment & order : 07.04.2025.

Whether fit for reporting : Yes

**HON'BLE MR. JUSTICE T. AMARNATH GOUD**  
**J U D G M E N T & O R D E R ( O R A L )**

Heard Mr. P. Roy Barman, learned senior counsel appearing along with Mr. S. Bhattacharjee, learned counsel for the petitioner. Also heard Mr. P. Saha, learned counsel appearing for the respondents Bank.

**[2]** This present petition is filed under Section 226 of the Constitution of India seeking following reliefs:

"I. Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/ directions of like nature shall not be issued whereby directing the Respondents to release monthly pension of the Petitioner which has been withheld by the Respondents w.e.f. 11.04 2022.

II. Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby directing the Respondents to release the monthly pension of the Petitioner along with interest @9% per annum we.f. 11.04.2022.

III. Make the rules absolute

IV. Call for records....."

**[3]** The case of the petitioner in brief is that the petitioner served under Central Reserve Police Force in the post of CT/Cook. The Petitioner retired from service on attaining the age of superannuation w.e.f. 31.12.2012 rendering his pensionable service. It is stated that after his retirement, Pension Payment Order No. 239031253330 was issued in favour of the petitioner by

sanctioning regular monthly pension. It is also contended by the petitioner that he used to receive his monthly pension through Account no. 30364717486 lying with State Bank of India, Kunjaban Branch and he used to draw his monthly pension through the aforesaid account. Since 11.04.2022, the respondent concerned has stopped disbursing monthly pension of the petitioner as a result thereof, since 11.04.2022 to till date, his monthly pension @Rs. 25,175 has not been disbursed by the SBI, Kunjaban Branch through account no 30364717486 and the petitioner is suffering hardship. It is further submitted in the instant petition that the petitioner visited the SBI, Kunjaban Branch to know as to why disbursement of monthly pension has been stopped but he could not get any response and the Branch Manager, SBI, Kunjaban and other official staffs working under him failed to give any answer to the petitioner and no reason was also disclosed to him. The only answer which the petitioner used to get from the respondent is that he cannot be allowed to draw his pension.

**[4]** The petitioner issued a legal notice, dated, 21.09.2024, through the engaged counsel to the Regional Manager, SBI North Circle i.e. respondent No.2 and Branch Manager, SBI i.e Respondent

No. 3. By that Legal Notice the respondents were asked to release petitioner's arrear monthly pension w.e.f 11.04.2022 with interest.

**[5]** The Regional Manager, SBI, North Circle and Branch Manager i.e. the Respondents Nos. 2 & 3 made response through their engaged advocate, who by a letter informed the petitioner, that, as per the written communication of enforcement agency, dated, 06.04.2022 to the Branch Manager, SBI, Kunjaban, the monthly pension disbursement of the petitioner through Account no. 30364717486 has been stopped in view of the fact, that, account no. 30364717486 has been frozen and unless there is appropriate direction from competent authority to release the account from "withhold", the notice receivers cannot by any means redress the grievance of the notice giver, i.e. the Petitioner herein, as said in the legal notice, dated 21.09.2024. It is stated in the petition that the petitioner is not aware of any such order passed by the enforcement authority to withhold /stop the monthly pension of the petitioner.

**[6]** It is contended in the reply made by Respondent No.2 & 3 through learned advocate that, the petitioner has been absconding as a criminal case has been registered vide NCC. P.S. Case No. 2021 NCC/016 dated, 14.02.2021, u/s 333/148/325/

307/427 IPC and enforcement agency vide written communication, dated, 06.04.2022 directed to freeze the Account no. 30364717486.

**[7]** Mr. P. Roy Barman, learned senior counsel appearing for the petitioner submits that the allegation made in the response made by the respondents Nos. 2 & 3 through their engaged lawyer that, the petitioner is absconding, is false and malicious statement as from the order dated, 30.08.2024 passed by the Judicial Magistrate 1<sup>st</sup> Class, Court No 7, Agartala in Case No. PRC(WP) 196/2024, it can be seen that, Mahesh Lal Yadav @ Raghu Gowala (petitioner herein) and Umesh Yadav @ Biki surrendered before court on 30.08.2024 and the learned Court granted bail to both of them on the condition mentioned and accordingly, they are on bail and trail has not commenced.

**[8]** It is further contended on behalf of the petitioner that pension is a hard earned property and the respondents have no authority to touch such property of the petitioner and they cannot also stop him from drawing his pension from his pension account lying with them. It is further stated, that, right to life guaranteed under Article 21 of the Constitution of India includes right to draw monthly pension to which the petitioner is legally entitled to. Mr. Roy Barman, learned senior counsel, therefore, urges this Court to

allow the instant petition filed by the petitioner granting all his reliefs as sought for in the petition.

**[9]** On the contrary, Mr. P. Saha, learned counsel for the respondents opposes the submissions made on behalf of the petitioner. He contends that on 06.04.2022, one letter was communicated to the respondents issued by an S.I. of Police, ABN TOP, under New Capital Complex P.S. with the request to freeze/hold the account of the petitioner since, on the basis of a written complaint of another S.I. of NCC PS, a criminal case had been registered against the petitioner. Considering the said fact, the respondent bank has frozen the account of the petitioner and thus, the respondents cannot be held responsible for non-payment of pension to the petitioner as they only performed their duty.

**[10]** Heard the submissions made at the Bar. Perused the material evidence on record. Counter-affidavit has also been filed on behalf of the respondents.

**[11]** It is seen from record that in reply to the legal notice dated 21.09.2024 served by the engaged counsel of the petitioner, a letter was issued to the petitioner by the engaged counsel of the respondents without any date, mentioning that the Branch

Manager, State Bank of India, Kunjaban Branch have been directed by the enforcement agency vide written communication dated 06.04.2022 to freeze the account No.30364717486 of the petitioner maintained in the said branch. On perusal of the counter-affidavit filed by the respondents, it is seen that the said written communication dated 06.04.2022 which was addressed to the respondents, was issued by an S.I. of Police, ABN TOP, under New Capital Complex P.S. with the request to freeze/hold the account of the petitioner since, on the basis of a written complaint of another S.I. of NCC PS, a criminal case had been registered against the petitioner.

**[12]** On the basis of a communication received from an S.I. of a police station of the State, the respondents have frozen the account of the petitioner mentioning the office of the S.I. as an 'enforcement agency' and as a result, since 11.04.2022, the petitioner is unable to draw his monthly pension from his account with the respondent bank and has been suffering hardship. Before freezing the account of the petitioner, the necessary guidelines ought to have been followed properly, but, the respondents failed to do so. No bank guidelines are placed on record, no lawful proceedings or orders of Court or authority is placed on record. The

decision of freezing the account of the petitioner is not supported by any lawful order or action. The letter of the S.I. referred is *non est* in the eye of law to freeze the pension account. The action of the bank in freezing the pension account is unauthorized, without jurisdiction, arbitrary and highhanded. The counter affidavit filed and documents placed on record by respondents No.2 & 3 do not support their action under judicial review. It is an action without any legal support.

**[13]** In view of the above, an adverse inference is drawn against the respondent No.2 i.e. the Regional Manager and respondent No.3 i.e. the Branch Manager. The petitioner's financial rights were violated due to the improper freezing of his account. The respondents are directed to release the monthly pension of the petitioner forthwith. It is also ordered that a sum of Rs.50,000/- (fifty thousands only) as cost i.e. Rs.25,000/- each be deducted from the salary of the concerned erred Officers i.e. respondents No.2 & 3 and the said amount shall be deposited to the petitioner's account within 15 days from the date of receipt of the copy of this order. The petitioner is also at liberty to furnish the copy of this order to the respondent-bank and claim the cost.

**[14]** With the above observations and directions, the instant petition is allowed and thereby, the same is disposed of. As a sequel, miscellaneous application(s), pending if any, shall also stand closed.

**T. AMARNATH GOUD, J**



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