

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3596 of 2015

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Bhudeo Yadav @ Bhudev Prasad Yadav Son of Late Shital Yadav,
Resident of Sidhi Ghat Road, Sultanganj, P.S. Sultanganj, District
Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Government of Bihar, Patna
2. The District Magistrate, Khagaria
3. The State Bank of India through the Chief Manager, Centralized Pension Processing Centre, Anta Ghat, J.C. Road, Ashok Raj Path, Patna
4. The Chief Manager, The State Bank of India, Centralized Pension Processing Centre, Anta Ghat, J.C. Road, Ashok Raj Path, Patna
5. The Branch Manager, State Bank of India, Main Branch, Bhagalpur
6. The Branch Manager, State Bank of India, Sultanganj, Bhagalpur
7. The Accountant General (A&E), Bihar Bir Chand Patel Marg, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv

For the Respondent/s : Mr. GP32-Harish Kumar

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

5 30-04-2015 Heard learned counsel for the parties as with

regard to the following relief prayed in this writ

application:-

*“for a direction to the authorities to make
payment of pension as presently the payment of
pension to the petitioner is stopped by the
respondent bank without any valid reason with
upto date interest.”*

2. Learned counsel for the petitioner in support of

the aforementioned prayer has submitted that the



petitioner now is in a catch 22 situation. He explains that the petitioner had retired from service on 31.01.2010 holding the post of Panchayat Secretary, Khagaria Block of district Khagaria and having been sanctioned his retirement benefits upon authorization issued by the office of Accountant General was receiving payment of his pension from Khagaria Treasury and later on from Bhagalpur Treasury but then he had found it more convenient to draw his such monthly pension from S.B.I. Sultanganj branch in the district of Bhagalpur and as such he had made a request for necessary change before the Branch Manager of S.B.I. Sultanganj branch to make payment of his monthly pension from the month of July-2014 but then such pension was not paid to the petitioner on the ground that the entire sanction/authorization was in the name of “Bhudeo Prasad Yadav” whereas the Bank account of the petitioner was in the name of “Bhudeo Yadav”. He explains that this minor discrepancy in the



account of the petitioner with Sultanganj branch of S.B.I. ought to have been ignored specially when the matter relates to payment of monthly pension which was also all being paid to him without any hassles by the authorities of both Khagaria and Bhagalpur Treasuries of the Government of Bihar.

3. This Court in view of same submission on an earlier occasion had directed learned counsel for the S.B.I. to take instruction and file counter affidavit. In the counter affidavit the concerned authority of the S.B.I. has explained that it is not a case of stopping of pension by the S.B.I. Sultanganj branch rather payment of pension was never made by the S.B.I. Sultanganj branch to the petitioner. Mr. Kaushlendra Kumar Sinha, learned counsel appearing on behalf of the State Bank of India in this regard has relied on paragraph nos. 5 to 12 of the counter affidavit which reads as follows:-

“That this the writ petition seeking relief against the State Bank of India in as much as the State Bank of India is not liable to pay the pension of the petitioner at their own end on account of the difference of his name in the authority letter granted by the Accountant General in the name of Bhudeo Prasad

Yadav and whereas the holds the Bank's account in the name of Bhudeo Yadav. It is further stated that earlier the petitioner had been receiving his pension from the Treasury in the name of the Bhudeo Prasad Yadav as mentioned in the Authority letter granted by the Accountant General but the Bank has never granted any pension to the petitioner in the name of Bhudeo Yadav as recorded in his Bank's account.

That the deponent does not dispute the statement made by the Petition in Paragraph no. 4 to 6 of the writ petition.

That as with regard to the Statement made in paragraph no. 6 of the writ petition it is stated that while he was getting his pension from Bhagalpur Treasury, he requested the Treasury Officer to Khagaria Treasury to transfer his pension paper to SBI Sultanganj Branch as he wants to get his pension through the State Bank of India Sultanganj Branch.

That, upon his request, his pensions papers with entire details was transferred from Khagaria Treasury to the Bhagalpur Treasury vide letter memo no. dated 11th June 2014 (Page-21).

That, thereafter, the entire pension papers of the petitioner were sent to the State Bank of India, Sultanganj Branch from the State Bank of India Bhagalpur which is a link Branch.

That, after receipt of the papers, the petitioner approached to the State Bank of India, Sultanganj Branch for payment of his pension through his Bank's account which stood in the name of Bhudeo Yadav.

That, having found that the name of the petitioner has been mentioned as Bhudeo Prasad Yadav in the Authority letter of the Accountant General whereas his Bank's account has been opened in the name of Bhudeo Yadav, the State Bank of India, Sultanganj Branch expressed its difficulty in making payment of the pension to the petitioner due to difference the petitioner's name on the two documents. However, the State Bank of India, Sultanganj Branch sought guidance from the State Bank of India, CPPC, Patna vide their letter dated 11th September 2014 (Page-20).

That, in response to the said letter, the State Bank of India (CPPC), Patna vide their letter dated 14th October 2014 advised the State Bank of India, Sultanganj that the "Parivartan" is not acceptable. (Page-20)."



4. Mr. Sinha, also relies on the provisions of Bank Rules and Regulations to contend that the clarification given by the petitioner that “Bhudeo Prasad Yadav” and “Bhudeo Yadav” is the one and the same person was not found to be sufficient and as such, on reference, matter was decided by the Chief Manager, CPPC, S.B.I., Patna who has turned down the request of the petitioner leading to the impugned order. To that extent, he also refers to the following statements made in paragraph nos. 13 to 23 of the counter affidavit, which reads as follows:-

“That, thereafter, the petitioner, having affirmed in the affidavit that Bhudeo Prasad Yadav and Bhudeo Yadav is the same person submitted the same to the State Bank of India, Sultanganj Branch and requested them to start the payment of pension to the Petitioner.

That, on receipt of the same, the State Bank of India Sultanganj Branch sent the same to State Bank of India, CPPC, Patna on 03rd November 2014 (Page-11).

That, since, one receipt of the said papers, the State Bank of India, CPPC, Patna did not advise the State Bank of India, Sultanganj to allow the petitioner to get his pension with such a difference of the petitioners name in the two documents, the petitioner thereupon sent the legal notice upon the Chief Manager, CPPC, Patna on 23rd December 2014 for payment of his pension.(Page-12).

That, in response to the said letter, the CPPC, Patna vide their letter dated 31st December, 2014 informed the petitioner’s Counsel that the account

number or PPO number of the petitioner and his authority letter or signature have not been mentioned in his letter, due to which they are unable to process their request (Annexure-3).

That, thereafter, the petitioner's counsel sent some details to the CPPC Patna on 14th January 2015 but the same was not complete as required by the Bank.

That, ultimately, in response to the letter of the "Petitioner's Counsel" the State Bank of India, CPPC, Patna returned all the papers to State Bank of India, Sultanganj Branch with an observation interalia that the petitioner's name differs in the PPO and in his account.

That, in view of the facts of and circumstances stated above, it is stated that the Bank is unable to start the Petitioner's pension because there was a difference in his name in both the documents.

That the Respondent Bank is ready to start his pension if the name of the petitioner is changed from Bhudeo Prasad Yadav to Bhudeo Yadav in the PPO.

That, alternatively, it is also permissible for the petitioner to get his name changes in Bank's account from Bhudeo Yadav to Bhudeo Prasad Yadav.

That it shall be relevant to mention here that his name from Bhudeo Prasad Yadav can be altered in the Bank's only on the basis of the proof of his ID and residential address as per the latest guidelines of the Reserve Bank of India.

That as per the Bank's usual norms and Rules, there is not provision which authorizes the Bank to grant/start the pension of a pensioner on basis of the Indemnity Bond."

5. In such a situation, this Court had directed learned counsel for the Accountant General to take instructions as to whether it was possible to change the name of the petitioner in the pension payment order by deleting the word 'prasad' in the name of the petitioner



so as to enable the petitioner to draw his monthly pension from S.B.I Bhagalpur Branch. No instruction however has been received by learned counsel appearing for the Accountant General.

6. This Court would find that the present problem, more or less, is made due to entry of the name of the petitioner in the records of the State Government and in the Collectorate of Bhagalpur. The name of petitioner recorded therein is “Bhudeo Prasad Yadav” and on the basis of the same, sanction order of pension was passed and forwarded to the office of the Accountant General, which again had issued the authorization in the name of “Bhudeo Prasad Yadav”. The petitioner in fact on receipt of such authorization was also paid pension for the period of almost four years from the concerned treasury of Khagaria and Bhagalpur in the name of “Bhudeo Yadav” by ignoring the defect in the name of the petitioner. The petitioner in fact having received payment for a period of four



years and no one else coming out to claim such pension by being a person in the name of Bhudeo Prasad Yadav, which now transpires to be the reason for the Bank in sticking to its Rules and Regulations and the office of the Accountant General also being helpless in absence of the change of the name of the petitioner in the sanction order, the remedy for the petitioner would be in the hands of the sanctioning authority. It is not in doubt that the Collector/D.M. of Khagaria district was the appointing authority under whose signatures the sanction order for payment of pension has been sent to the office of the Accountant General.

7. In that view of the matter, this Court would direct the Collector/D.M of the Khagaria district to make inquiry and if he finds that Bhudeo Yadav and Bhudeo Prasad Yadav are the same person, he would accordingly make necessary correction in the sanction order for its being sent to the office of the Accountant General. The Accountant General in view of the



amendment made in the name of the petitioner by the sanctioning authority would also make necessary change in the pension payment order and if the same is produced before the Branch Manager of S.B.I. Sultanganj branch, there would be no difficulty in making payment of arrears and current pension of the petitioner.

8. In view of the fact that the petitioner remains without payment of pension for almost one year, this Court would direct the Collector/D.M. of Khagaria district, respondent no. 2, to ensure that whatever has to be done for changing the name of the petitioner must be done within a period of three months from the date of receipt of this order.

9. It is made clear that if certain formalities have to be completed by the petitioner for getting his name changed, the same would be done by the petitioner in order to enable the Collector/D.M. Khagaria to revise the sanction order leading to issuance of revised

authorization order of the office of the Accountant General and payment by the State Bank of India, Bhagalpur Branch.

10. With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

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