

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8647 of 2011

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Yashwant Kumar, S/O Shri Kashi Nath Gupta, R/O Mohalla- Bindtoli near Durga Mandir, P.S- Ara, Distt- Bhojpur, At Present- Posted at S.B.I. Hasan Bazar as an Assistant, P.S & P.S.- Piro, Distt- Bhojpur.

.... Petitioner

Versus

1. The General Manager, New Work- 1, State Bank Of India, Local Head Office, Gandhi Maidan, Patna.-1.
2. The Regional Manager, Region-V, State Bank Of India, Zonal Office, Patna. J.C. Road, Patna.
3. The Branch Manager, S.B.I., P.S.- Jagdishpur, Distt- Bhojpur.
4. The Branch Manager, S.B.I. Pakri Branch, P.S. Arrah, Distt- Bhojpur.
5. Shankar Prasad Sinha, Desk Officer, Rural Business Office, Harijee Ka Campus, P.S. Ara, Distt- Bhojpur.
6. Niraj Kumar, son of not known, Mohalla- Jamira Kothi, P.S Arrah, Distt- Bhojpur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Radha Krishna Singh, Advocate
For respondent-S.B.I. : Mr. Kaushlendra Kumar Sinha, Advocate
Mr. Sunil Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

19 02-02-2015

This writ petition is filed as a Public Interest

Litigation with a prayer to direct the respondents to enquire into the alleged fraud said to have been committed by respondent No.5 through which he has credited a sum of Rs.1,10,000/- in excess into the account of the 6th respondent. The petitioner feels aggrieved by the inaction of the respondent-

Bank.

It is contended that the Branch Manager of the State Bank of India at Arrah committed irregularities with a view to favour the 6th respondent. Petitioner states that he made a representation, and complains that no action has been taken thereon.

The 1st respondent filed a detailed counter affidavit. He stated that some irregularity has taken place during the tenure of Mr. Om Prakash, the then Branch Manager, Pakri Branch at Arrah and a disciplinary proceedings has been initiated against him. An order is said to have been passed on 1.12.2012 imposing a penalty of censure, in terms of Rule 67(a) of the State Bank of India Officers' Service Rules. It is also stated that the Bank issued notice to 6th respondent to repay the excess amount which has been wrongly credited into his account and when he did not comply with the same, Money Suit No.8 of 2012 has been filed in the court of Subordinate Judge, Bhojpur.

Heard Mr. Radha Krishna Singh, learned counsel for the petitioner and Mr. Kaushlenda Kumar Sinha, learned counsel for the respondent-Bank.

Though this Court gets an impression that the petitioner intends to settle his score either with 5th respondent or the 6th respondent, it ultimately emerges that initiative by him, lead to filing of suit to recover the amount from the 6th respondent.

With this, the grievance of the petitioner stands redressed. The writ petition is, accordingly, closed.

The interlocutory application, if any, shall also stands disposed of. There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Vikash Jain, J)

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