IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9952 of 2013

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1. Chandeshwar Prasad Singh S/O Late Laxman Singh R/O Vill.+P.O.- Amarpura, P.S.- Naubatpur, Distt.- Patna
2. Ram Sundar Mahto S/O Late Ram Lakhan Mahto R/O Vill. + P.O.- Karai, P.S.- Naubatpur, Distt.- Patna

.... Petitioner/s

Versus

1. State Bank Of India Through its Zonal Manager Local Head Office, West Gandhi Maidan, Patna
2. Regional Manager, State Bank Of India Region Ii, Regional Business Office, J.C. Road, Patna
3. Branch Manager State Bank Of India, Bihta Branch, Patna
4. Treasury Officer, Patna through State of Bihar, Patna
5. Head Master, Govt. Middle School, Sadishopur, Anchal- Bihta, District- Patna

.... Respondent/s

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT
Date: 26-02-2016

Heard the counsel for the petitioners as well as the respondents Bank.

Both the petitioners have superannuated as Teacher of Middle School on 31.07.2005. They are drawing pension through their respective Saving Bank Accounts with the respondent State Bank of India, Bihta Branch, Patna.

The grievance of the petitioners is that by generating two different Bills no. 04/2007, a sum of Rs. 14,552/- for payment of the pension amount to each of the petitioner for the month of March, April 2007 was cleared by the treasury. The amount was promptly credited by the respondent-Bank in the account of the petitioner no.

2, whereas the amount of the petitioner was withheld and ultimately credited in the pension account of the petitioner no. 1 on 24.04.2012. The first grievance is that the respondent-Bank arbitrarily retained the said amount for several years and as such it is liable to pay interest as per the circular of Reserve Bank of India.

The second grievance of the petitioners is that Bill No. 08/2007 for a sum of Rs. 42,834/- payable to both petitioners equally was cleared by the treasury but the amount thereof has not been deposited in their respective pension account. The bill cleared by treasury was towards payment of pension amount for the months of May, June and July 2007. The said amount has not been credited in the pension account of the petitioners.

A counter affidavit has been filed on behalf of the State respondent stating that Bill No. 08/2007 for a sum of Rs. 42,834/- payable to both the petitioners was cleared by the treasury and the amount thereunder has already been encashed. According to the respondent-State (Treasury Officer) the amount under the said Bill No. 08/2007 was cleared by T.V. No. 45/2007 which was subsequently encashed. The said amount which both the petitioners are entitled to half and half, it is alleged, has not been credited in the respective pension account of the petitioners. A dispute like this, in my view, can very well be agitated before the Ombudsman of the respondent-Bank who shall be in a better position to verify the relevant documents and take or pass appropriate direction mitigating the grievance of the petitioners who are none else but the valued customers of the respondent Bank. There is no controversy that under the Banking Rules, if the amount payable to the customer for any reason is retained by the Bank then the Bank would be liable to pay interest to the customer.

Mr. Singh considering the relevant provisions of the Banking Rules, fairly states that if it be the case then the respondent Bank will consider payment of interest for the undue retention of amount by the Bank in accordance with law.

Having regard to the submissions of the parties, the writ application is disposed of by directing the petitioner to raise the grievance of non payment of the amount under Bill No. 08/2007 for a sum of Rs. 42,834/- payable half and half to both the petitioners before the Ombudsman of the respondent-Bank who shall examine and pass appropriate order in accordance with law, as quickly as possible, preferably within five weeks of such presentation. In so far as the payment of interest for withholding the amount payable to petitioner no. 1 for nearly five years the respondent-Bank i.e. Regional Manager is directed to ensure that the petitioner is compensated by paying interest thereon in accordance with the rule/provisions within four weeks from the date of presentation of a copy of this order before him.

(Kishore Kumar Mandal, J)

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