

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13981 of 2015

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In The Matter Of Letter Sri Ram Govind Singh

.... Petitioner/s

Versus

1. The Union of India, (Ministry of Defence)
2. The Regional Manager, State Bank of India

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chakrapani (*Amicus Curiae*)

For the S.B.I. : Mr. S/D/ Samkau. Sr. Advocate
Mrs. Priya Gupta, Advocate

For Union of India : Mr. Anshay Bahadur Mathur, CGC

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 17-11-2016

Heard learned counsel for the parties.

2. The present application was entertained on the basis of a complaint made by Shri Ram Govind Singh regarding recovery from his pension on the ground that excess payment had been made.

3. A counter affidavit is filed on behalf of the State Bank of India. The details of revision of pension of Shri Govind from 1.1.2006, 1.7.2009 and 24.09.2012 have been explained. It is also explained that an excess payment of Rs.3, 26, 172/- was made. A reference is made to a Circular of the Reserve Bank of India



dated 1st of June, 2009, clarified on 13th of March, 2015 wherein it has been mandated that in case over payment or excess payment of pension is made by the Bank by any act/omission, error or inadvertence on the part of the bank, then the entire amount must be credited in the Government Account in one lump sum immediately. It is thus pointed out that the Bank started recovery as 1/3rd amount of gross pension amount.

4. Learned *Amicus Curiae* relies upon a Supreme Court Judgment reported in (2015) 4 SCC 334 (State of Punjab And Others Versus Rafiq Masih) in support of the proposition that even if wrong payment has been made, the same cannot be recovered from the pensionary benefits. However, we find that the said judgment does not provide any assistance to the aggrieved person. Rafiq's case (supra) was a case where excess payment was made on account of wrong fixation of salary when the employee was in active service. In the present case, on account of mistake, may be on behalf of the Bank or on behalf of the Government, the excess pension has been paid. Such mistake would stand on a different footing than the excess payment during service. The payments after service are not on account of any service rendered in present. It is reward for the previous service. The mistake in payment of pension

cannot be ignored. In view thereof, we do not find that any further order is called for.

5. This writ petition accordingly stands dismissed.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

K.C.jha/-

AFR/NAFR	AFR
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