IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.693 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 375 of 2014
Along with
Interlocutory Application No.2926 of 2015

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1. State Bank of India, Main Road Branch, Buxar through its Branch Manager namely Ravi Kumar, Son of Shri Prabhakar Prasad.
2. The Zonal Manager, State Bank of India, Zonal Office, Patna.

.... Respondents-Appellants

Versus

1. Jay Ram, son of Late Shivnarayan Ram, resident of Village and Post - Sowan, Police Station - Dumraon, District – Buxar.

… Petitioner-Respondent 1st Set.

2. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Secretary, Finance Department, Government of Bihar, Patna.
4. The District Magistrate, Buxar.
5. The District Education Officer, Buxar.
6. The Treasury Officer, Buxar.
7. The Accountant General, Bihar, Patna.

.... Respondents – Respondents 2nd Set.

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Appearance :

For the Appellants	:	Mr. Sanjiv Kumar, Advocate
For the Respondent No.1	:	Mr. Bindhyachal Rai, Advocate
For respondents –State	:	Mr. Mayank Rukhairyar, A.C. to G.A.1.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
And
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 15-07-2016

Re.: Interlocutory Application No.2926 of 2015

The application is for condonation of delay of 28 days in filing of the present Letters Patent Appeal.

For the reasons mentioned in the application, we find that sufficient cause is made out for condonation of delay. Consequently, we condone the delay in filing of the present Letters Patent Appeal.

Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.693 of 2015

The order dated 19th November, 2014 passed by the learned Single Bench of this Court is subject matter of the challenge in the present Letters Patent Appeal. The learned Single Bench has directed the appellants to pay interest as is payable by it on the fixed deposit receipt on the amount of Rs.5,53,240/- paid as the arrears of monthly pension.

The writ petitioner-respondent No.1 herein superannuated on 28th February, 2006. His pension was approved from the office of the Accountant General vide P.P.O. No.444030 dated 09.02.2007, but since the pension was not paid, the petitioner represented to the Treasury Officer on 20th of April, 2013. Thereafter, the Treasury Officer issued a letter to the Branch Manager of the State Bank of India. It is thereafter, the pension was credited in the Saving Bank account of the writ petitioner.

The categorical assertion of the writ petition is that Pension Payment Order was sent by the Treasury Officer to the Bank. On the other hand, the stand of the Bank is that the pension could not be disbursed due to lack of papers.

The learned Single Judge allowed the writ petition and ordered payment of interest on the amounts of arrears of the monthly pension. Aggrieved against the said order, the Bank is in appeal before this Court.

Learned counsel for the Bank pointed out that the Bank has nothing to gain by not paying the amount of monthly pension to the petitioner. It is in the commercial interest of the Bank to enlarge its customer basis and also to make payment of monthly pension, but it was only on account of non-receipt of Pension Payment Order, the pension could not be paid. It is also pointed out that the writ petitioner has given in writing on 09.10.2014 that he is satisfied with the working of the Bank. Thus, the learned Single Bench has erred in awarding interest on the amounts of arrears of pension for which the Bank is not responsible.

We have heard learned counsel for the parties and find that the order of payment of interest is not warranted in the facts of the present case. It is undisputed that the pension was not paid for long number of years, but the fact required to be established is that who is at fault whether the Bank or the Treasury Office or the Postal Department which was to send the Pension Payment Order. The delay in payment of pension could not be foisted on the Bank for the reason that the Bank has nothing to gain by delaying payment. In fact, the Bank will enlarge its customer basis and also gain by receiving the pension amount. There is no reason as to why the Bank would delay the pension amount to the petitioner.

In view of the said fact, we find that the order passed by the learned Single Bench foisting liability on the Bank to pay interest on the arrears of monthly pension cannot be sustained, particularly in view of the writing of the appellant to the Bank that he is satisfied with the working of the Bank.

The present Letters Patent Appeal is allowed and the order regarding payment of interest is set aside.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	
CAV DATE	N. A.
Uploading Date	25.07.2016
Transmission Date	