IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10727 of 2014

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Deo Mangal Sharma son of Late Prasidh Narayan Chaudhary Resident of village - Hanuman Nagar, P.S. Dhaka, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary Education Department Govt. of Bihar, Patna
2. The Principal Secretary Education Department Govt. of Bihar, Patna
3. The District Education Officer, Sitamarhi
4. The District Programme Officer (Establishment), Sitamarhi
5. The Treasury Officer, Motihari
6. The Accountant General (A/E), Bihar, Patna
7. The State Bank of India through its General Manager,
8. The Assistant General Manager, S.B.I. J.C. Road, Patna
9. The Chief Manager, S.B.I. Centralized Pension Processing Centre, Patna - 800001
10. The Branch Manager S.B.I., Dhaka Branch, East Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yogendra Mishra
Mr. Rajan, Advocate

For the Respondent/s : None.

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

ORAL ORDER

2 25-11-2016 Heard learned counsel for the petitioner. No one appears for the State.

The writ application has been filed claiming payment of arrears of pension amounting to Rs. 12,72,649/- along with interest.

It is now stated by learned counsel for the petitioner that during the pendency of the writ application the arrears of pension have been paid but after deducting an amount of Rs. 2,65,000/- purportedly as income tax deduction as source.

In the aforesaid circumstances, it appears that the main claim of the petitioner has been satisfied by the respondents. So far as the TDS is concerned, in case the petitioner is not liable for tax deduction to the extent as has been deducted then it is open to the petitioner to claim a refund of the same by filing appropriate application before the Income Tax authorities.

So far as the claim of interest is concerned, this Court is not inclined to award the same in a writ proceeding leaving it open to the petitioner to take recourse to other proceedings for the same, if so advised.

The writ application is, accordingly, disposed of.

(Ramesh Kumar Datta, J)

S.Pandey/-

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