IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 13565 of 2017

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Arvind Prasad Singh, Son of Late Rohin Prasad Singh, Resident of Ithari, Post Office- Phudakichak, Police Station- Gogari, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The District Magistrate, Munger.
4. The District Magistrate, Khagaria.
5. The District Magistrate, Saharsa.
6. The Senior Treasury Officer, Khagaria.
7. The Senior Treasury Officer, Saharsa.
8. The District Education Officer, Khagaria.
9. The District Education Officer, Munger.
10. The District Education Officer, Saharsa.
11. The District Program Officer, Establishment, Khagaria.
12. The District Program Officer, Establishment, Munger.
13. The District Program Officer, Establishment, Saharsa.
14. The Accountant General, Bihar, Patna.
15. The State Bank of India through its General Manager, Bihar Circle, J.C. Road, Patna- 1.
16. The Assistant Chief Manager, C.P.P.C., Administrative Building 4th Floor, J.C. Road, Patna- 1.
17. The Branch Manager, Jamalpur Gogari Branch, Saharsa.
18. Arvind Prasad Singh, Father's Name not known, Resident of Kachaut, P.S.- Salakhua, District- Saharsa.
19. The Superintendent of Police, Khagaria.
20. Vigilance Department through the Vigilance Investigation, Bureau.
21. The Superintendent of Police, Saharsa.
22. The Income Tax Department through Commissioner of Income Tax (Admn. of TPS), Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Advocate
For the State	:	Mrs. Shilpa Singh, G.A. XII Mr. Ram Vinay Prasad Singh (Sanjay), A.C. to G.A. XII
For the Accountant General	:	Mr. Raj Nandan Prasad, Advocate
For the Vigilance	:	Mr. Rama Kant Sharma, Sr. Advocate Mr. Rakesh Kumar Sharma, Advocate
For the Respondent No. 18	:	Mr. Rajendra Prasad Singh, Sr. Advocate
For the S.B.I.	:	Mr. Rakesh Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 14-03-2018

Heard learned counsel for the petitioner; State; Accountant General; State Bank of India (hereinafter referred to as the 'Bank'); Vigilance Department and respondent no. 18.

2. Though the matter was not on the list but learned counsel for the parties had mentioned the matter at the time of sitting of the Court and prayed that it may be notified as there was a judicial order to list the case today at 10.30 A.M. Upon verification, it transpired that the stand was correct and accordingly, the case has been notified and taken up.

3. In terms of the earlier orders, a report under sealed cover has been submitted by the Additional Director General, Vigilance Investigation Bureau, Bihar, Patna dated 12.03.2018. Perusal of the same indicates that a detailed and thorough enquiry was conducted with due notice and assistance from both the petitioner and the respondent no. 18. The Court appreciates the

effort. From the same, it transpires that on cogent grounds and materials, it has been established that the writ petitioner is the genuine person by the name of Arvind Prasad Singh son of Late Rohin Prasad Singh, whereas respondent no. 18 is another person though claiming to be Arvind Prasad Singh and further that the certificates on the basis of which the writ petitioner had been employed are genuine and issued in his favour and not in favour of respondent no. 18.

4. In such view of the matter, the Court deems it appropriate to implead the Superintendent of Police, Saharsa as respondent no. 21. Let necessary correction be made in the cause title by learned counsel for the petitioner during the course of the day. The Vigilance Investigation Bureau shall forward a copy of the report submitted to the Court today, to the Superintendent of Police, Saharsa for appropriate consequential and follow-up action in the matter.

5. Incidentally, the District Programme Officer, Establishment, Munger was present in Court and informed that upon verification made by them also, it has transpired that it is the writ petitioner, who is genuine and, thus, initially order for payment of pension was made in his favour and only later, upon the original documents being stolen from him in April, 2016, pension has been

stopped; but since they have not stopped pension, it is for the concerned Bank to take corrective measures.

6. Learned counsel for the Bank submitted that due to there being similarity in the details of the petitioner and the respondent no. 18 and even their PAN cards bearing the same number, in terms of the reference made by the Accountant General, upon verification, they found that two persons with identical details were drawing pension, though under different Pension Payment Orders and from different places and, thus, they have stopped payment to the petitioner as only one person could be validly paid pension.

7. Learned counsel for the Accountant General submitted that though they have issued two separate Pension Payment Orders in terms of the sanction orders received from the competent authorities, it is for the Bank to take a call as to who would be paid when all the details of both the persons tally.

8. Learned counsel for the petitioner submitted that during the pendency of this case, the Income Tax Department has directed the petitioner to deposit his PAN card which he has done and prayed that the Court may direct the same to be released in his favour as it has been issued upon the application made by the petitioner and not by the respondent no. 18.

9. Learned counsel for the respondent no. 18 submitted that he has superannuated upon attaining the age of superannuation and since then is being paid pension and, thus, he is not involved in any controversy with regard to stoppage of pension of the petitioner and has no role in the same.

10. Be that as it may, in view of the detailed enquiry report submitted by the Vigilance Investigation Bureau and the stand taken before the Court by the District Programme Officer, Establishment, Munger, let the pension of the petitioner along with arrears be restored and paid to him. The same be done within two weeks from the date of production of a copy of this order before the respondent no. 16.

11. Let the Income Tax Department through the Commissioner of Income Tax (Administration and T.P.S.), Patna be made respondent no. 22. Learned counsel for the petitioner shall make necessary correction in the cause title during the course of the day.

12. The newly added respondent no. 22 shall ensure that the petitioner is also issued PAN card, in accordance with law, after verifying the facts, within four weeks from the date of production of a copy of this order before him.

13. It goes without saying that all the authorities

concerned shall take appropriate action in the matter, in accordance with law, after giving opportunity to the parties to place their case so that the money from the public exchequer is not misused by way of two persons deriving benefit based on the same set of documents, including the educational qualifications.

14. The writ petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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