IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 4214 of 2016

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Most. Kumod Devi wife of Hari Narayan Singh, Resident of Village - Madhaul, P.S. - Runisaidpur, District - Sitamarhi (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar through Director of Primary School Education Department, Bihar, Patna.
2. The Secretary, Primary School Education Department, Bihar, Patna.
3. The Commissioner Employees Provident Fund, Pant Bhawan, Bailey Road, Patna.
4. The Accountant General of Bihar, Birchand Patel Marg, Patna.
5. The Branch Manager, Central Bank of India, Runnisaidpur, District - Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the respondents/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 11-01-2018

Heard learned counsel for the petitioner; State; Accountant General and Central Bank of India.

2. The reason for moving the Court was that the family pension of the petitioner was reduced from what she was getting till 2015.

3. The reason assigned for the same, which is apparent from the pleadings and materials brought on record is that due to an

error in the system of the Central Bank of India, excess payment had been made, which was beyond the entitlement of the petitioner, to the tune of Rs. 2,98,635/- and accordingly, from the family pension, monthly deduction of Rs. 4,500/- was being made.

4. The Court finding the same to be excessive had observed that the Bank may consider reducing the amount to be recovered per month and extending the period of recovery, to which a 3rd supplementary counter affidavit has been filed on behalf of respondent no. 5. The stand is that they have reconsidered the matter and instead of recovering Rs. 4,500/- per month, which has been done till December, 2017; from January, 2018, the recovery shall be restricted to Rs. 2,500/- per month and, thus, the amount which was to be recovered by March, 2021 shall now be done till March, 2024. As the excess payment was on account of error and admittedly the petitioner was not entitled to the same, the money coming from public exchequer, cannot be allowed to be retained by the petitioner, even though it may cause some discomfort to her. Moreover, she had also given an undertaking that if any error is deducted, the excess amount may be recovered from her. Thus, the revised stand of the Central Bank of India of reducing the recovery from Rs. 4,500/- per month to Rs. 2,500/- per month appears to be reasonable as the petitioner shall now be getting family pension of Rs. 9,298/- per

month, as per the revision pursuant to the 7th Pay Commission Recommendation.

5. In view thereof, the writ petition stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
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