

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.638 of 2017
In
Civil Writ Jurisdiction Case No.17920 of 2008

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Gopal Krishna Prasad at present aged about 70 years, Son of Late Bisheshwar Prasad Resident of 301- Yuvraj Mansion, East Boring Canal Road, Police Station- Budha Colony, Town and District Patna, at present residing at Flat No. E/203, Jagmano Shree Garden Apartment, Ved Nagar, Rukunpura, P.S. Rupas Pur Patna.

... .. Appellant/s

Versus

1. The Central Bank of India through its Chairperson & Managing Director, Central Bank of India, Chander Mukhi, Nariman Point, Mumbai- 400 021.
2. The Assistant General Manager (H.K.) Central Bank of India, Chander Mukhi, Nariman Point, Mumbai- 400 021.
3. The Zonal Manager (H.K.) Central Bank of India, Zonal Office, Block-B, 2nd Floor, Mauryalok Complexm, Dak Bungalow Road, Patna- 800001.
4. Chief Manager (PRS), Patna Zonal Office, Block- B, 2nd Floor, Mauryalok Complexm, Dak Bungalow Road, Patna- 800001.
5. The Regional Manager, Central Bank of India, Regional Office, Block- B, 2nd Floor, Mauryalok Complex, Dak Bungalow Road, Patna- 800001.
6. The Regional Manager, Central Bank of India, Regional Office, Ranchi.
7. The Regional Manager, Central Bank of India, Regional Office, Gaya now merged in the Regional Manager, Central Bank of India, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ratan Prasad Sinha
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5 26-09-2018 Feeling aggrieved and dissatisfied by the
impugned order passed by the Learned Single Judge



dated 16.02.2017 in C.W.J.C. No. 17920 of 2008, by which the Learned Single Judge has dismissed the said petition preferred by the appellant (original writ petitioner), the original writ petitioner has preferred the present Letters Patent Appeal.

It is the case of the appellant (original writ petitioner) that before passing the order dated 07.08.2007, the appellant was not given an opportunity of being heard and, therefore, the amount recovered from the Bank account of the appellant was in violation of the principles of natural justice.

On considering the facts so stated in the order and also the facts emerging from the records, it reveals that the earlier order of recovery was passed after giving opportunity to the petitioner. After considering the representation made by the petitioner in fact a final order came to be passed on 07.05.2004, Annexure – 13 to the writ petition. Thereafter, the petitioner made a representation and, therefore, the recovery was stayed. However, thereafter, the representation of the petitioner was considered sympathetically and taking a humanitarian view, the amount paid in excess was ordered to be recovered in the monthly installments of Rs. 6,000/- (six thousand), as the original petitioner was getting salary of Rs. 21,000/- (twenty one thousand)



per month only.

It is required to be noted that earlier while communication dated 07.05.2004, it was advised to deduct 50 per cent of his salary every month to adjust the said amount in nominal account.

The same was considered to be harsh and, therefore, the Bank shown an indulgence and directed to recover the amount by monthly installments of Rs. 6,000/- (six thousand). Therefore, the balance amount was recovered from the petitioner, when he attained the age of superannuation and thereafter he was paid the retirement benefits, pension, gratuity etc. and after the same was credited in the Bank account of the petitioner, the same came to be recovered from the Bank account.

Considering the aforesaid facts and circumstances, we are of the opinion that the earlier order dated 07.05.2004 itself was a final order of recovery, which was passed after considering the representation and which was not under challenge and the communication dated 07.08.2007 was only a consequential action, no further hearing was required to be given at that stage, i.e., while communication dated 07.08.2007.

Considering the aforesaid facts and circumstances, we see no reason to interfere with the



judgement impugned.

The appeal has no merit. It is dismissed.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

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