

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 4713 of 2018**

Awadh Ram Soni S/o Late Taluram Soni, aged about 65 years, R/o Village Mohalapo and Tahsil Mohala, District Rajnandgaon, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, Rajaswa Vibhag Mantralaya, Naya Raipur, Chhattisgarh
2. Collector, Koshshakha Pension, District Rajnandgaon, Chhattisgarh
3. Superintendent of Police, Office of the Superintendent of Police, Rajnandgaon, District Rajnandgaon, Chhattisgarh
4. T. I., Police Thana Bagnadi, District Rajnandgaon, Chhattisgarh
5. Branch Manager, Dena Bank, Mohla, District Rajnandgaon, Chhattisgarh
6. Sambhagiya Sanyukta Sanchalak, Koshlekha and Pension Chhattisgarh Durg, District Durg, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Rajendra Kumar Patel, Advocate
For Respondent/State	:	Shri Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****23/07/2018**

Challenge in the present writ petition is to Annexure P-1 dated 26.06.2017 which has been issued by the Station House Officer, PS Bagnadi, District Rajnandgaon.

2. The grievance of the petitioner is that he was working as a Patwari and stood retired from service w.e.f. 12.03.2012. Thereafter the respondent

authorities have been releasing retiral dues without any interruption. However, vide impugned order, the Station House Officer, Police Station Bagnadi, District Rajnandgaon i.e. respondent no.4 is said to have issued a letter to respondent no.5 stopping the transactions from the bank account of the petitioner which is maintained in the Branch under control of respondent no.5. It is this order which is under challenge in this case.

3. Counsel for the petitioner submits that the impugned order is totally without jurisdiction, power and authority vested with the Station House Officer of the concerned Police Station. He submits that in the case of a pensioner, it is only the Governor who could have stopped the releasing of pension and there is also no provision even upon the Governor to restrain the petitioner from operating his bank account. He further submits that even otherwise the only reason for stopping of the operation of the bank account seems to be the registration of an FIR against the petitioner somewhere in the year 2016 whereas the petitioner stood retired in the year 2012. Thus, prayed for quashment of the impugned order.

4. So far as the authority of respondent no.4 in issuance of Annexure P-1 is concerned, the State counsel very fairly submits that it is not even the domain of the Police Station or Officer to issue such an order and that he is otherwise also not competent under the Pension Rules to issue such an order.

5. Given the said statement by the State Counsel, this Court does not intend to keep the petition pending since the impugned order has been issued by an incompetent and a person not authorised under the provisions of law and the same deserves to be and is accordingly set aside/quashed at the motion stage itself. It is directed that respondent

no.5 shall permit the petitioner to operate his account without any hindrance and without giving any cognizance to the letter issued by the Station House Officer Annexure P-1.

6. With the aforesaid observation, the writ petition stands disposed of.

**Sd/-
(P. Sam Koshy)
JUDGE**