

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 5039 of 2018

1. Sunita Singh D/o Late Karnelias Singh, Aged About 28 Years.
 2. Premlata Singh Wd/o Late Karnelias Singh, Aged About 75 Years.
- Both are R/o Dipurara, Tarbahar, Bilaspur, District - Bilaspur, Chhattisgarh.

---Petitioners

Versus

1. The State Bank Of India, Through The Chief Manager, Main Branch, State Bank Of India, Campus Of Ganga Shree Theatre, Old High Court Road, Bilaspur, District- Bilaspur, Chhattisgarh.
2. Chief General Manager, State Bank Of India, Local Head Office Hoshangabad Road, Bhopal, Madhya Pradesh.
3. State Bank Of India, Through Regionanl Manager (Region-1), Regional Commercial Office-IIIrd Floor, Vikas Bhawan, Nehru Chowk, Bilaspur, District- Bilaspur, Chhattisgarh.
4. State Bank Of India, Through Managing Director, State Bank Of India, Nariman Point, Mumbai, Maharashtra.

---Respondents

For petitioner	:	Shri Rajkumar Pali, Advocate.
For respondents	:	Shri Sudeep Agrawal, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/08/2018

1. The challenge in the present Writ Petition is to the order Annexure-P/4 dated 12/07/2018 whereby the respondents had stopped the family pension payable to the petitioners from the months of May-2018 onwards and directed the petitioners to deposit an amount of Rs.1,64,467/- which is alleged to have been paid in excess to the petitioners.

2. The counsel for the respondents submits that, he has positive instructions in this regard that the withheld pension which was payable to the petitioners from the month of May-2018 onwards would be release to the petitioner from the pension day fixed in August-2018.
3. So far as the recovery part is concerned, the counsel for the respondents – Bank tried to justify their action to the extent that, the petitioner has been paid certain excess amount in pension in as much as the respondent authorities have wrongly calculated the dearness allowance while granting pension and in the process the excess payment was made which the respondents have every right to recover as has been done by the impugned order.
4. Be that as it may, undistputedly, before issuance of the impugned order, the authorities had not taken the petitioner into confidence.
5. Admittedly, from May-2018 onwards, the petitioners have been put to hardship as their monthly pension has been stopped.
6. It is by now well settled preposition of law that, any action which has an adverse civil consequences, the least that is expected is an opportunity of hearing.
7. In the instant case, since the impugned order does not reveal any show cause notice having been given to the petitioners before issuance, this Court is of the opinion that, ends of justice would meet if the said order is set-aside/quashed reserving liberty to the respondents to take a fresh decision altogether after granting an opportunity of hearing to the petitioner.

8. Moreover, it is further directed that, in the event if after the explanation, if any submitted by the petitioner, the respondents should reached to the conclusion that the amount of pension paid to the petitioner was in excess to what they were otherwise not entitled for, the same may be recovered, but the only caution which the respondents should ensure is that it would be recovered at easy installments.

9. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit