

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 3102 of 2019

Uma Devi, aged about 72 years, Female, W/o Late Ram Bihari Singh, Vill. and P.O.- Ariaon, P.S.-Krishnabrahm, Distt.- Buxar, At present - C/o S.C. Gupta, Sunder Bhawan, Kannu Lal Road, Mithapur, PS.- Jakkanpur, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Govt. of Bihar, Patna
2. The Principal Secretary, Water Resources Department, Govt. of Bihar, Patna
3. The Accountant General (A and E) Bihar, Patna
4. The State Bank of India through the Assistant General Manager, C.P.P.C. 4th Floor, Administrative Building, Judges Court Road, Patna
5. The Chief Manager, State Bank of India, Branch Exhibition Road, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr Bibhakar Tiwary, Advocate
For the S t a t e	:	Mr Harish Kumar, GP VIII
For the A G	:	Mr Rabindra Kr Priyadarshi, Advocate
For the B a n k	:	Mr Satyendra Kumar, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 25-07-2019

Heard learned counsels for the petitioner, State Bank of India (for brevity, Bank) and the Accountant General.

2 Petitioner has approached this Court for a direction to produce the letter by which the amount of Rs 10,04,277/- paid excess on account of pension to the petitioner is sought to be recovered by the Bank and for a direction restraining the Bank from making such recoveries.



3 Bank has filed a counter affidavit annexing a letter of undertaking that in case of excess payment, the same would be subject to recovery. Bank has also placed on record the details in respect of the calculation of excess amount paid to the petitioner. The fact of excess payment having been made, though it is not disputed but the learned counsel for the petitioner submits that bare perusal of the signature of the petitioner in Annexure 5 to the rejoinder, i e, the petitioner's signature on the pension book, differs with the signature on the letter of undertaking produced by the Bank.

4 This disputed issue of fact should have been raised by the petitioner in appropriate proceedings. The same can only be decided on evidence and material in appropriate proceedings.

5 With liberty, as aforesaid, writ petition is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.07.2019
Transmission Date	NA

