

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.975 of 2019
In
Civil Writ Jurisdiction Case No.3102 of 2019

Uma Devi, Wife of Late Ram Bihari Singh, R/o Vill. and P.O.- Arian, P.S.-
Krishnabrahm, Distt.- Buxar, At present - C/o S.C. Gupta, Sunder Bhawan,
Kannu Lal Road, Mithapur, P.S.- Jakkampur, Distt.-Patna **... Appellant**

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), Govt. of 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.

... .. Respondents

Appearance :

For the Appellant : Mr.Bibhakar Tiwary, Advocate
For the Respondents : Mr.Ajay Kumar Rastogi (AAG13)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

Date : 26-11-2019

1. Heard learned counsel appearing for the parties and perused the records.

2. This appeal has been preferred against the impugned judgment dated 15.7.2019, passed by the learned Single Judge of this Court in C.W.J.C.No. 3102 of 2019, by which and whereunder the learned Single Judge dismissed the above writ petition, which had been filed by the appellant against the order of recovery of



excess payment made to her by the State Bank of India, respondent no. 4.

3. Appellant's husband was superannuated from Government service and subsequently his pension was fixed. However, he died on 10.1.2004 and thereafter appellant started withdrawing family pension. However, subsequently all of a sudden respondent no.4 started making recovery of excess payment from the amount of family pension of the appellant. She came before this Court by filing C.W.J.C.No. 3102 of 2019 raising a grievance of recovery of excess payment from the amount of family pension.

4. The learned Single Judge, having noticed this fact that the excess payment to the appellant was not denied, dismissed the writ petition passing the impugned judgment which has been challenged by the appellant before this Court.

5. Learned counsel appearing for the appellant submits that neither any notice nor any information was given to the appellant about the above stated recovery and simply the said recovery was started after near about 15 years of the death of the appellant's husband. He further submits that the excess payment was being made since last 15 years but the process of recovery was



started much after delay and therefore respondent no.4 had no authority to recover the amount paid to him.

6. Having heard the above stated contentions, we went through the records of the writ court as well as the impugned judgment. We find that the factum of excess payment is admitted and the only grievance of the appellant is that the process of recovery of excess payment was initiated after much delay, and furthermore in the writ court the appellant challenged the signature of her husband given on the undertaking, but, in our view, both the aforesaid grounds do not have the leg to stand because admittedly excess payment was made to the appellant and according to the undertaking given by the husband of the appellant, bank has legal right to recover the money which has been paid to the appellant as excess payment. Therefore, we do not find any ground to interfere with the findings of the learned Single Judge.

7. Accordingly, this appeal stands dismissed on the admission stage itself.

(Hemant Kumar Srivastava, J)

(Prabhat Kumar Singh, J)

Shashi

AFR/NAFR	NAFR
CAV DATE	NA
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